THE

PARLIAMENTARY DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED

"THE PARLIAMENTARY HISTORY OF ENGLA[ND,]

FROM THE EARLIEST PERIOD TO THE YEAR 1803."

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VOL. V.

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FROM

THE THIRD DAY OF APRIL,

TO

THE ELEVENTH DAY OF JULY 1821.

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1822.

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PARLIAMENTARY



THE Parliamentary Debates

During the Second Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Twenty-third Day of January 1821, in the First Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

Tuesday, April 3, 1821.

ROMAN CATHOLIC DISABILITY REMOVAL BILL.] The Roman Catholic Disability Removal bill, was brought from the Commons by sir John Newport, attended by an unusually large number of members.

The Earl of *Donoughmore*, in rising to move that the bill be read a first time, said, he was deeply impressed with a sense of the important situation in which he was placed, by being selected to advocate the claims of the Roman Catholics in that House. He had lately had communications with some of the first men in the kingdom on both sides of the question, the result of which induced him to believe, that in the progress of the bill through the House such amendments would be made as would remove every material objection that might be entertained on the part of the Catholics to the measure, without at the same time failing to give those securities which the Protestant establishment in church and state had a right to require.

The Earl of *Liverpool* said, that the bill was itself of the greatest importance, and coming, as it did, recommended by the House of Commons, it was in every respect entitled to their most serious consideration. That consideration he was certain it would receive, and whatever their lordships' decision might be, he trusted, that the question would be discussed with all that moderation which had hitherto characterised its progress. Having himself taken an active part in many former discussions, he felt that, he should not act candidly towards the House or the noble lord, if he did not declare; that when it came to the second reading, he should feel it his duty to object, as an individual, to the measure. The bill was divided into two parts; the first went to the removal of the political disabilities imposed on the Catholics; the second, to the regulation of their ecclesiastical establishment. To both those parts, as they now stood, he should be under the necessity of objecting. He could not agree to confer upon them privileges to the extent proposed, and even if his mind were made up to grant those privileges, he should still be obliged to object to the clauses relating to the Roman Catholic clergy. Those enactments appeared to him to take away all the grace of concession; many of them were unjust and many impolitic, and calculated to defeat the ends of those by whom the bill was proposed.

The Earl of *Donoughmore* said, that with respect to one of the points alluded to by the noble earl, he felt exactly as he did; but he was sorry the noble earl did not agree with him in the general principle of the bill. If the Roman Catholics entertained sentiments opposed to the principles of the constitution he should object to grant them the proposed relief; but he was convinced, they were as loyal as the members of any other persuasion. The noble lord alluded, in terms of praise, to the manner in which the other House had met the wishes of the friends of the Catholics, and observed, that if the Catholics were not grateful for the conduct of

the Protestants, who had sacrificed many prejudices in their behalf, they did not deserve the support which they had received.

The *Lord Chancellor* apologised to the House for troubling them in such a stage, even upon so interesting a subject; but, having read the bill, and looked at that part of it which referred to the office which he had the honour to fulfil, he thought it necessary to state, that he could not agree to a measure of such vast alteration. Notwithstanding his great respect for many noble lords from whom he differed, and for the recommendation of the other House, he had no difficulty in stating, that though, on retracing his former opinions, he would not hesitate to change them if he thought they were wrong, he had every reason to conclude, that it would be impossible to introduce any modifications which could induce him to consent to the bill. He would, however, bestow his best reflection on the subject between this and the second reading.

The bill was read a first time.

HOUSE OF COMMONS.
Tuesday, April 3.

MR. O'CONNELL.] Mr. *Ellis*, of Dublin, as soon as the Speaker had taken the chair, rose to correct a mis-statement which had appeared in some of the public papers, respecting what had fallen from him during the debate of last night. He was aware, that the error was quite unintentional, for he was satisfied with the general accuracy, impartiality and ability with which the reports of the proceedings of that House were sent forth to the world. What he was represented to have said of a gentleman, who took an active part in Catholic proceedings in Ireland, was, that he (Mr. O'Connell) was a mushroom orator. Now, he had said no such thing. What he said was this—in allusion to the Catholic aristocracy of Ireland, that as to the antiquity of that gentleman's family pretensions, respectable as they were, when compared with that aristocracy, they were of the mushroom celebrity of a day. He made the allusion, not for the purpose of reflecting on that gentleman's family pretensions, which, he repeated, were respectable, but merely comparatively as to their relation to the aristocracy. He was the more anxious to have the mistake corrected, as nothing could be further from his intentions than to hurt the feelings of any man under the privileges of Parliament. The allusion, in the way in which it was published, was quite undeserved by the respectable gentleman in question, and as certainly unintended by him. He had no motion to make on the subject, being convinced that the mistake arose from inadvertency.

CARLISLE ELECTION—REPORT OF PRIVILEGES COMMITTEE.] Mr. Wynn brought up the Report of the Committee of privilege, appointed to inquire into the interference of the military at the late election of Carlisle. The report was read as follows:—

"That it appears to this committee, that a body of armed soldiers did, on the 24th of May last, in pursuance of a requisition addressed to the commanding officer, and signed by Thomas Lowry, D. D. John Heysham, M. D. and James Foster, esq. justices of peace for the county of Cumberland, come in a military manner, and post themselves near the Town Hall, where the poll for the election of a citizen to serve in this present Parliament for the city of Carlisle was taken, before the freemen there assembled for the said election had quitted the said hall, and before that the said election was finally closed:—That it appears to this committee, that there is no reason whatever to impute to the magistrates, collectively or individually, any corrupt or criminal motive, or any design to overawe or influence the said election, as stated in the petition of the freemen of Carlisle:—That it appears that the civil power in the city of Carlisle is extremely inefficient; but that your committee are of opinion, that the magistrates did not make use of all those powers with which the law has invested them for the preservation of the public peace:—That it does not appear to this committee, that there was any riot or tumult of that dangerous and uncontrollable magnitude, which alone can excuse the introduction of an armed force during the period of an election, without a previous resort to the utmost exertion of the civil power:—That, under all these circumstances, considering the difficulty of the situation in which the magistrates were placed, the committee are not prepared to recommend any further proceedings in this case."

Mr. *Wynn* said, that he had never sat in a committee in which more impartiality was manifested, or more anxiety

to get at the whole facts upon which the merits of the inquiry depended. It was impossible not to disapprove of the introduction of the military; but it was proved, that, at the particular time when that took place, the civil power was placed upon a very inadequate footing. The committee was not, under all the circumstances of the case, desirous to recommend any ulterior measure; but they were anxious to mark their sense of the impropriety of the proceeding. The introduction of the military was at all times to be avoided, but especially during an election. —He then moved, that the resolution of the House of the 22nd of December 1741, be read, prohibiting the interference of the military at elections. The said resolution being read, he next moved. "That this House will always maintain, with the most jealous attention, the freedom of election, and resent any violation of the same; but that, under the circumstances stated in the report of the committee of privileges, they are content to proceed no further on the matter of the complaint of the freemen of Carlisle."

Mr. *Bennet* would venture to say, that, although at most elections political feeling was necessarily excited, yet there never was an election at which it was less observable than at the election for Carlisle. Certainly, nothing had occurred there which could justify the introduction of the military. He did not know in whose hands the regulation and employment of the civil power of Carlisle were placed; but, in his opinion, something ought to be done for the effectual revision of the system.

Mr. *James* said, he had felt it necessary to bring this subject before the House; but, after the decision of the committee, he was not inclined to press it further.

The resolution was agreed to.

Union Duties.] Mr. *Canning* presented a petition from the merchants and traders of Liverpool, praying for a repeal of the Union duties. He was instructed to support the petition on three grounds: First, on the ground, that the duties were productive of an inconsiderable revenue; Secondly, that much inconvenience was sustained in their collection; and lastly, that by their discontinuance great assistance would be rendered to the Irish manufacturers. He wished to know, from the chancellor of the exchequer whether it was his intention speedily to bring the subject before the House.

The *Chancellor of the Exchequer* replied, that he had received a communication from the chamber of commerce in Dublin, intimating, that it would be more agreeable, if the consideration of the subject were deferred for the present session.

Sir *H. Parnell* protested against any further delay. He was convinced that, by a repeal of the duties, the Irish manufacturers would be considerably benefited. He hoped the session would not pass without some step being taken.

Mr. *Canning* expressed a wish, if it were resolved that the subject should not be considered in the present session, that it should be understood by all parties, that it would certainly be taken into consideration in the course of the next.

The *Chancellor of the Exchequer* pledged himself to bring the subject before the House at as early a period as possible.

Ordered to lie on the table.

Malt Duties Repeal Bill.] Mr. *Western* moved the second reading of this bill. He wished to make a few observations, chiefly with reference to the duty levied on Scotch barley. Up to the year 1819, the duty on Scotch barley was 8*d.* per bushel less than that imposed on English barley. In 1804, a committee was appointed to consider, whether Scotland was intitled to the privilege which it then enjoyed, of paying this reduced duty. The committee decided, that Scotland was so entitled; and it continued to enjoy this diminution of 8*d.* per bushel till 1819; and then, when an addition of 1*s.* 2*d.* was made to the English duty, the charge on Scotch barley was advanced to 1*s.* 10*d.*; thus doing away the benefit which Scotland had previously enjoyed. He would not take upon him to say, that the committee was right or wrong; but it was rather extraordinary, that, with a full knowledge of the advantage so long enjoyed by Scotland, the right hon. gentleman should in a moment set it aside. He understood, that the right hon. gentleman had thrown out a hope to the members for Scotland, that he would re-consider this measure. The object of the present measure was, to repeal the new duty of 1*s.* 2*d.* per bushel, which pressed alike on England, Scotland, and Ireland, and which was imposed in 1819. It was, to all intents and purposes, a war tax, for the repeal of which the faith of parliament was pledged.

The *Chancellor of the Exchequer* said, he had no objection to go into a committee, to re-consider the subject. The question divided itself into two points—namely, whether any good grounds could be stated for making a general distinction between England and Scotland; and if so, to what extent that distinction ought to be allowed.

Lord *A. Hamilton* said, he had, on a former occasion, moved a string of resolutions relative to the duty on Scotch barley, which appeared to him to be most unfair and disproportionate, with reference to the barley of this country. He had done so, because he conceived, that the bad quality of the Scotch barley required a considerable reduction of the duty. With regard to the discussion of that night, he should certainly give his vote for the motion; for, by repealing the tax there would be a saving of 1*s.* 2*d.* per bushel to Scotland; and he hoped, when he called the attention of the House to the remaining 8*d.* per bushel, he should be supported by those gentlemen who gave their support to the present motion. The notion seemed to have been circulated, that the English members would not be willing, if this measure was carried, to take the Scots duties into consideration; and it had been attributed to the member for Norfolk, that he was of this opinion. He believed this assertion was unfounded, and he therefore wished his hon. friend to state what his opinion was.

Mr. *Coke* said, the noble lord had asked his opinion on this subject, and he would endeavour to answer him. The Scotch gentlemen, it should seem, were expected to vote one way on one night, and another way upon another. The chancellor of the exchequer had dextrously held out a sort of hope, that, if those hon. members would not vote against him to-night, he would do something for them at a future opportunity; but he advised them to put no trust in the right hon. gentleman. If the friends of economy and retrenchment in all departments of the public expenditure would this evening keep together, there could be no doubt they would carry their question; but if they split and separated, ministers would take advantage of their disunion. For himself, he had been uniformly in favour of the repeal of every tax, so long as it could be with propriety reduced; and though he highly approved of the proposed repeal, he was of opinion, that it did not do so much for the agricultural interest as he should like to see done.

Sir *J. Shelley*, in allusion to a former speech of Mr. Huskisson, contended, that the agricultural distress was now general. The right hon. gentleman was speaking on the experience of the western part of Sussex, where the farmers were not in an absolute state of ruin; but if he looked to the eastern parts of the same county, there he would find the ruin complete. He would there find many hundred acres which he might occupy merely on paying the poor rates and taxes, and this not very bad land, or land newly brought into tillage, but land which had been cultivated for centuries. The distress did not fall on the farmers alone. The moderate landed proprietors suffered as much. They had their farms thrown back upon their hands, and were obliged to get them filled by hired bailiffs, who had no interest in them. It had been asked how, if this tax was repealed, the interest of the debt could be paid? The chancellor of the exchequer had told them, that this year there was a saving of a million. The country would not find any benefit from this, unless there was a proportionate reduction of taxes. It was better therefore to repeal the tax in question, than to add in some small degree to the inefficient Sinking Fund, by which the country had been for a long time humbugged. The agriculturists could not expect relief from the fundholders. They must therefore look to ministers. If an absolute reduction of the amount of taxes could not be suffered, he should propose a limited property tax of two per cent, by which three millions might be raised; other taxes to an equal amount being repealed. It had been said, that if this tax was repealed, his majesty's ministers would resign. He did not wish to see them resign their places, he only wished them to resign a few of their oppressive taxes.

The Hon. *J. W. Ward* observed, that the resolution of gentlemen on the other side to persist in the course of proceeding, of which the repeal of the malt tax seemed to form a part, appeared to be founded on three positions: the first, that we could go on with 1,500,000*l.* less income, and yet keep up the same expenditure; the second, that the expenditure could be so diminished as to bear that decrease of income; and the third, that some tax less burdensome and objectionable in its character could be imposed in lieu of this. The first of these objects

could only be achieved by taking up the sinking fund. He would not enter into that question now, because, in the first place, he in truth knew but little about it; and in the next, a subject really so scientific as in itself it was, was not the best calculated to be discussed in a public assembly. But if parliament were to decide, that we should so take the sinking fund now, it would evidently be a very disastrous expedient. Nothing would betray more weakness and folly than that we should shrink from carrying our own principles into effect. Not only would such a measure expose us to all the ill effects which might follow upon the adoption of a mere speculative principle, but to the charge of pusillanimous vacillation, and fatal infirmity of purpose. They had heard, that the sinking fund was all a fallacy. If it was, it was a fallacy certainly of some standing. It had deceived the most able and acute statesmen; it had deceived all who were most conversant with finance; it had deceived several successive governments, ten parliaments, and all parties in the state. But still, he was open to argument upon this subject, if argument were adduced to show the fallacy of this system; for he could never oppose authority to demonstration. But, in the absence of argument or demonstration, he could not be influenced, by mere abuse, to become the opponent of the sinking fund, or an advocate for reducing its amount. At least he should not agree to this until some new discovery were made to convince him of its justice and expediency. What might be the nature of that discovery he could not anticipate. The world at one time believed, that the sun moved round the earth—but it had been since discovered, that the earth had moved round the sun. Possibly too, it might yet be discovered, that it would be rather better not to make any provision for a sinking fund to discharge the national debt; but until that discovery were made, he must be excused for retaining his present opinion. Looking a little at some, not all, of the retrenchments which had been proposed, he found, that they proceeded upon the supposition of a considerable reduction of our force. Now, it was but a very little time ago, since, after a lengthened and very mature debate, the House had determined what the military establishment should be, yet now they were to refuse to ministers the means of paying for it. Never was inconsistency more evident than in the conduct of those gentlemen, who, after supporting the rate of establishment brought forward by ministers, now turned their backs upon them, and were for withdrawing the means by which the charge was to be defrayed. The peace of Europe so recently disturbed, after five and twenty years of war, calamity, and bloodshed, succeeded by an interval of tranquillity too short for her repose and her happiness, should teach us the necessity of keeping arms in our hands, instead of inducing us to take away from the government the means of providing for the national safety. This was the only way in which we could with success oppose the progress or the designs of despotic monarchs, whose proceedings every day demonstrated their ambition, though their power was happily not commensurate with it. It was evident, that an obstinate struggle still existed, and was likely to exist, between the inordinate ambition of enterprising monarchs on the one hand, and the awakened vengeance and exhausted patience of suffering and indignant nations on the other. He would seriously call the attention of the House to this most important fact; and then let them judge of the expediency of such a measure as they were called on to adopt. The hon. baronet had said, that he would prefer, as a substitute for this tax, a little income tax. Now, if he must have any, he would prefer a large one. One of the greatest objections to the late income tax was, its inquisitorial and vexatious machinery. Now the proposition of the hon. baronet would require the same machinery to get it up, without producing any thing like those extensively beneficial results, which in the other case could alone, perhaps, atone for the defects of its assessment. Under the present circumstances, when one hon. gentleman proposed the repeal of a malt tax, and another advocated the repeal of all taxes, to impose a large income tax was a measure of obvious impossibility. The hon. mover had observed, that it was not his business to find a substitute for this tax; that that was an onus which rested with the chancellor of the Exchequer; and that, one chancellor of the Exchequer was enough. He agreed with him; but, he would wish to take the full benefit of the propositions, and say, that neither was it his business to ascertain what grounds could be adduced; and yet he desired to see sufficient grounds shown for this bill, before

he could give his vote for it. To all this he fully agreed; but then he felt, that they were bound to know, that some other provision had been made by the the chancellor of the exchequer before they created a deficiency in the means of carrying on the government. To consent to the proposed repeal would be, in his judgment, a most inconsistent proceeding. A few days only had elapsed since the House had voted certain establishments and would it not be extraordinary if the bill sanctioning that vote should be overtaken at the foot of the throne by another bill refusing the means of support to such establishments? But would it not be still more extraordinary if such inconsistency should be maintained by the advocates of the Pitt system; nay, that even members of the Pitt club should be among the foremost to starve the means of government to support those very measures for which they themselves had voted? He trusted, that those gentlemen who had voted for the present bill on a former night, would reconsider their conduct, and take a course that evening more consistent with their own principles, and with the general interests of the country.

Mr. *Grenfell* agreed with the hon. gentleman who had just spoken, but more particularly on the subject of the sinking fund. As for the fallacy to which the hon. gentleman had adverted, he wished to get rid of that part of the sinking fund that was kept up by borrowing; for this part of the system must of necessity be a fallacy. The only sinking fund that could ever be applicable to the reduction of the debt, must be the surplus of the income above the expenditure of the country; and, from the finance papers before the House, it certainly did appear, that there was at this moment a clear, actual, and real sinking fund. If, however, the fact were otherwise, it behoved ministers to establish one, and an efficient one too, without a day's delay. He was one of those who, in 1819, gave their consent and support to the imposition of certain new taxes, amounting to 3,500,000*l.* per annum; and he did so, for the purpose of putting the finances in that state which appeared to him to be essential to the welfare of the country. Under these circumstances, he should not only be obnoxious to the charge of gross inconsistency, but should be guilty of a dereliction of duty, if he did not oppose the second reading of this bill. He had heard it affirmed, that by taking off taxes they forced ministers to adopt measures of economy and retrenchment, which they never would adopt, if the House left them the means of expenditure in their hands. But this surely was beginning at the wrong end. Ministers, he thought, were just as likely to adopt such measures, if they left them the taxes, as they would be, if they took any taxes away. Let him suppose the case of a private gentleman, who found himself involved in pecuniary difficulties. Would he best retrieve himself by lowering, in the first place, the rents of his tenants? He was one of those who never had despaired of the resources of the country, provided the country had fair play. By fair play, he meant something very different from that reduction of the interest of the debt, which had been proposed to be put in execution against the fundholders; and which he could never regard as any thing but a system of plunder and spoliation which would entail inevitable ruin upon the country. He must therefore repeat, that any tampering with the interest of the public debt could be regarded in no other light than as a breach of faith; and a system of finance which was made to rest upon a compulsory reduction of that interest would deserve to be called a system of plunder and spoliation. Complaints had been made, that some individuals were fond of representing the land as mortgaged to the stockholder: he could only say, that, in his opinion, if the stockholder had no claim on the property of the land-owner, the latter could not by any possibility set up a title to that of the former. Justice and honour required, that all property should be protected, as well agricultural as funded; but without taxes, it would be impossible to do so. If the country could now dispense with any taxes, which he was convinced it could not, there were many other taxes more oppressive to the people which could much more usefully be repealed. The malt tax produced much benefit, without being the cause of the great evils attributed to it. The gentlemen who fancied, that much benefit would arise from the repeal of the malt tax, would find themselves disappointed.

Mr. *Lockhart* declared, that he never heard in that House any recommendation to violate the public faith, or to commit any spoliation upon the public creditor: but he had heard much in that House,

as well as elsewhere, upon the extraordinary character of the system by which those who were the great receivers of the public revenue were exempted from paying their due share of the charges upon that revenue; and certainly it was monstrous to suppose, that such a system could go on—that while the receivers of the revenue, or the fundholders, enjoyed the whole, those who owned the property from which that revenue was derived, should be called upon to pay the whole, although all their property was reduced no less than 50 per cent in value. The continuance of such a system, indeed, would serve to render the latter the ascripti glebæ, or the mere serfs of the former. With respect to the establishments which had been voted, it might be necessary to keep them up; but it did not follow, that the expense of those establishments might not be reduced. As all the necessaries and comforts of life had fallen in price, why might not an army be maintained in this country at a cheaper rate now than formerly? An hon. gentleman had, in his solicitude for the sinking fund, pronounced an eulogium upon Mr. Pitt and Mr. Fox, as the advocates of that system; but the hon. gentleman had omitted to class the present chancellor of the exchequer with the objects of praise. This, indeed, was a very proper omission, for that right hon. gentleman had reduced a sinking fund of 17 millions to about 2½ millions, which sum bore so small a proportion to 900 millions, that this reduced sum might be very expediently applied to present exigencies. He would therefore supply a proportion of that sum, if necessary, to make good any deficit created by the repeal of this malt tax. He was an advocate for the repeal of this tax, not because he thought it would afford any great relief to the agriculturists, but because he thought it the only relief which, from all appearances, they had reason to expect. He saw a committee sitting for some weeks to examine evidence as to agricultural distress, which was matter of notoriety; and from the proceedings of that committee, or from any other legislative measure, he was much afraid, that no relief was to be expected. For this bill, then, as it offered the only relief which the agriculturists had to expect, he should give his vote.—Here the hon. member presented an impressive picture of the extent of the agricultural distress. But the petitions upon this subject furnished ample information upon that subject. The condition of agriculture was, indeed, such, that the farmer had no profit, and the landlord had therefore no rent, but what he derived from the farmer's capital, and as that capital diminished, the means of course fell off of employing the labouring poor. How, he would ask, was it possible that such a state of things should continue? or who could answer for the tranquillity of the country, if an increasing proportion of the millions employed in agriculture were thrown out of employment, and if those who could not find employment, could not obtain provision from the poor's rate? He had heard much of the political economy of the chancellor of the exchequer and that of the gentlemen near him, who so often said, that those things would right themselves; but he wished to know from these economists by what process such things could be righted, or the equilibrium so much desired could be restored? It signified not whether this system was the result of positive law, or a combination of events: the fact was, that in the midst of plenty the country was suffering all the inconveniences of want; the agricultural poor were unable to procure that to which they not only felt a natural right, but which they had amply merited. He would also remind the chancellor of the exchequer, that he had once voluntarily given up this tax as a boon to the poorer classes, and had afterwards restored it in order to make good a deficiency of revenue. Was the right hon. gentleman ignorant, that the consumption of beer was very much diminished by this excess of duty? The consequence of it, was to establish little monopolies in every direction, by which the beer was in the first instance deteriorated in quality, and in the second, fraudulently measured out. By these means its consumption was greatly discouraged, and the public injured, without any corresponding advantage to the revenue. The right hon. gentleman might compensate by measures for correcting these abuses amongst the publicans for any loss which the revenue might sustain from the abolition of this tax. It was his firm belief, that ministers were not cognisant of the whole extent of the distress by which agriculture was at present weighed down. When commerce and manufactures languished, the fact was soon perceived through the non-payment of bills; but

the decline of agriculture was not the subject of such immediate observation, and was only now and then noticed on seeing a more than usual number of farms advertised to be let. It was notorious, however, that farmers had recently been paying their rent out of their capital; and it was equally certain, that they could not do this for another year. The value of the stock on a farm, or the stock requisite for its cultivation, was generally in proportion to the quality of the land; it might be 3*l.* per acre on poor, and 5*l.* on rich land. It was time, then, for ministers to step in, and, either by reducing the establishment, or by some direct relief, change this situation of affairs, and restore an equilibrium which had been too long overthrown. He was willing, that the land-owner should make his fair sacrifice, but he could not listen without regret to language which manifested hostility to whole classes of the community. It was said, that the agriculturists had had their day, and that they had been the authors and supporters of the war. He repudiated these charges: the present race of agriculturists were the successors of those who were in existence at the commencement of the late wars. In thus addressing himself to the House, he was speaking on behalf of helpless millions, who must be reduced to the depths of misery unless saved by the wisdom of parliament. If something were not done, the time was not far distant when the poor would be unable either to procure employment from the yeomanry or relief from the magistrate.

Mr. *John Smith* said, that after the fullest examination which he could give this subject, he had come to a conclusion opposite to that of the hon. member who had last spoken. That he felt deeply for the distress under which agriculture laboured, he could assure the House; but then his first inquiry referred to the *quantum* of relief which was to be expected from the adoption of this measure. Now, he believed that, it would not do more than extend relief to particular districts. It was represented to him, that a reduction of 8*s.* in the price of the quarter of malt would scarcely lower the price of the pot of ale or porter one halfpenny. This, therefore, would necessarily fall into the pockets of the public and private brewer. It was his fixed opinion, that the only mode of assisting agriculture effectually, was, by some revision of the poor laws. He had himself filled the office of overseer, and did think it possible to devise a plan by which, when labourers applied for aid, employment should be furnished to them on land, at wages lower than those given by the farmer, so as to stimulate them to seek and obtain it through their own exertions. It would afford him much satisfaction to learn, that a right hon. gentleman (Mr. S. Bourne), who had rendered an important service to his country by dedicating his attention to this subject was again employed in its consideration. But, another obvious source of relief, and greatly preferable to this measure was, a rigid system of economy. The more he reflected on this part of the question, the more he felt satisfied, that not only had his majesty's ministers deserved blame, but that parliament had much to reproach themselves with in their frequent departures from that system. What unnecessary sums had not been squandered on the Penitentiary, and in various unprofitable experiments! A million of money had been thrown away on the Caledonian canal—a work which would never repay the expense that had been incurred in executing it. A sum of 1,200,000*l.* had been lavished on improvements at Sheerness and at Milford Haven. Unless we governed ourselves by very different principles, and circumscribed our views by the amount of our means, the agricultural would not be the only distress of which we should soon hear loud and general complaints. It had been justly observed, that not to keep strict faith with the stockholder, would be to disable ourselves from ever going to war again. For his own part, he had been accustomed to regard this country as mighty in its real strength, and mighty from its moral example. But some of the sentiments which had been promulgated in that house, with regard to the claims of the public creditor, appeared to him utterly inconsistent with the principles and the high character which we had hitherto maintained. The inconvenience of the national debt was described as so great by some honourable gentlemen, that it would be idle to talk of our honour requiring its punctual liquidation. Such an opinion must originate in erroneous views. In any case, the present time was most ill chosen for the promulgation of the doctrine. Whether right or wrong, our system had been imitated by the other nations of Europe; and they were all now paying a larger rate of interest than ourselves. That foreigners who

had property invested in our funds were under some alarm, from the reiteration of principles which went to violate what was always before considered sacred, he had himself the means of knowing. He had lately received a letter from an individual to whom that description belonged, and who earnestly inquired, whether it was true, that after having so long been the bulwark of Europe, we at last entertained the design of committing a breach of faith. The non-payment even of any part of the national debt must be attended with the utter subversation of public credit. Corporations, hospitals, insurance offices, many of them had their whole property thus invested; and so intimately connected was every species of circulating property with the funds, that to interfere with them in any way, so as to depreciate their value, would be little less than to commit an act of *felo de se*. There was one period in the course of the late wars on the continent, when he was ready to admit, that we saved both ourselves and civil society. Not only was the character of Great Britain raised to proud pre-eminence, but it became an asylum for property thoughout Europe. We had acted in a spirit of magnanimity and disinterestedness, of which he doubted whether history furnished any example; for whilst we taxed ourselves, we abstained from taxing those foreigners who had placed their property in our funds; more honourable policy never was adopted; and it would be with deep regret, that he should see the credit which it had procured us lost or tarnished by a course so different as that which had been recommended. He feared, that a large sum was owing to the East India company for the entertainment of Buonaparté; which sum was not included in the accounts before the House. With regard to the repeal of the present tax, he objected to it, because he thought it would not relieve the agriculturists, and would very materially diminish the revenue. The only way of extricating the country from its distresses, would be, to cut off, boldly and firmly, all expenditures which were not essentially necessary. The army ought unquestionably to be farther reduced. The navy estimates were not yet before the House, but very large reductions might and must be made in that department.

Sir *J. Boughey* could not feel himself justified in supporting the repeal of this tax, unless he were assured, by those who voted for the repeal, that it was looked upon as a measure of economy, and not as a substitute for any other measure of taxation.

Mr. *Curwen* wished, that the hon. gentleman who spoke last but one, instead of merely talking about his feeling for agricultural distress, would afford relief to the farmer by some practical measure. With regard to the existence of that distress, there could be no doubt. The committee which was pursuing its labours up stairs, was not designed to convince the farmers of their wants, or the landlords of the sufferings of their tenants, but, to satisfy and overcome the unbelief of ministers. On the subject of alleviation, he admitted, that to lower the poor rates would afford great relief; but it was still a mystery how that desirable object was to be effected. There was a great difference between the condition of the fundholder and of the landowner; the fundholder received his 100*l*. or 1,000*l*. per annum, clear of all deductions, while the landowner paid no less than $32\frac{1}{2}$ per cent in burdens and deductions of various kinds; for instance, he paid 20 per cent for poor rates, 5 per cent for county and highway rates, 5 per cent for repairs, and $2\frac{1}{2}$ per cent for collection. Estates in the best condition were liable to these heavy deductions. There was no way so effectual for relieving them as removing those taxes that bore hardest upon them; such, for instance, as the leather tax, the tax upon soap and candles, and several others. Do away these, which would occasion a defalcation of 5 millions, and he for one would support a property tax of 5 per cent with all his heart. He never should repent having declared his opinion, that the fundholder was bound to pay for the protection of his property as much as any other individual. As to the particular tax, it bore peculiarly on the great body of the people; its removal would not give any great relief to the farmer, except by relieving the consumers of his produce; and that perhaps was the most effectual way of ameliorating the condition of the grower.

Mr. *Benett*, of Wiltshire, earnestly recommended, that nothing should be done to destroy or to endanger the connexion between the landowner and the fundholder. He was well convinced, that the best customers of the manufacturers were the farmers, and the best customers of the farmers the manufacturers. The interests of the productive classes of the country

ought never to be separated, much less placed in opposition to each other. He did not imagine, that at that time of day, the agricultural distress would be disputed. The petitions that had recently loaded the table had been referred to a committee. He doubted whether their inquiries would be productive of the advantage expected; because, after the declarations in various quarters, after the powerful voices upraised in opposition to any change in the corn laws, after the farmers had been told, that the burden of taxation was not to be removed from agriculture, little hope could be indulged of support in the quarter most capable of affording it. It was time for the landowners to take the cause of agriculture into their own hands, and to endeavour to accomplish their own relief. He was as unwilling as any man to break the national faith; but, if the income of the country were so reduced as to leave it unable to pay the interest of the national debt, that result was inevitable. To keep the national faith, taxation must be reduced; yet to reduce taxation was to diminish the means of payment. In what way, then, was general relief to be obtained? With regard to the measure before the House, he did not believe it would afford all the relief to the agricultural interests which some gentlemen imagined. It was calculated rather to relieve the consumer, than the grower of barley. One beneficial effect of it would be, that it would enable the labouring classes of the community, who were the great consumers of this commodity, to brew beer in their own houses; a comfort of which they had for many years been deprived, and a return to which, by removing the temptation of resorting to ale-houses, would tend materially to the improvement of their moral habits. He supposed he should be told, that this bill could not pass, because it would occasion a defalcation in the revenue of 1,200,000*l*. or 1,400,000*l*.; but, when it was recollected, that if the price were reduced the consumption would be increased, he had no doubt, that the deficiency would be but trifling.

Mr. *Keith Douglas* said, he was as sensible as any member, of the difficulties under which the agriculturists laboured, and would go as far as any other to relieve them. The present measure, however, he did not think calculated for their relief. Indeed, no honourable member had pointed out in what way it could be of service to the farmer. He himself could not view it as a measure beneficial to that class. From the returns, he found, that the consumption of malt, since the imposition of this tax, was as great as it was when the tax had not existed. It was a tax which spread over a very large portion of the community, and did not press heavily on any particular class.

Mr. *Bright* said, that he was one of those, who admitted the existence of great agricultural distress; at the same time he could not deny, that there were many taxes, the abolition of which would be of more importance to the community than that which was now sought to be repealed. The repeal of many of these taxes was loudly called for by the present situation of the country; yet he felt himself bound to vote for the repeal of the tax. Considering the present state of the country, and of Europe, he would say, that it ought to be repealed; for he was convinced, that if the resources of government were diminished their vigilance would be increased. It was said, that this principle of reduction began at the wrong end; that the House had first voted the men, and it would be necessary to vote the money for their support. He was not one of those who had joined in such large votes; but let those who so voted look to it; for he considered, that if this burden was removed, reductions might be afterwards made in those estimates which were to come, fully equal to its amount. He called, then, upon those members who were favourable to the repeal of the tax, and who might have joined in the vote for the large military force, to look to every item which was yet unvoted. All classes were distressed; and he was satisfied that the only effectual mode of relief—the only means to place this country in the proud situation in which she had been accustomed to stand, and which, he trusted she would long continue to hold among the nations of Europe, would be, effectual economy and retrenchment. He was not one of those who would tax the funds to relieve the land, or the land to relieve the funds. The interests of both were so mixed up, that the injury of one would be the depression of the other. In this view of the case, he would repeal this tax, in the hope of being able effectually to resist the improvidence of ministers. It was said, that the landholder had reason to complain of the Poor laws and of Tithes,

and that those burdens were not shared equally by the commercial and funded interests. He, however, thought they had no just cause of complaint on this ground. They had received or purchased their estates with a full knowledge of the charges by which they were to be burdened; and they ought not to turn round on the commercial interests, and insist upon their bearing a part of those burdens. The measure of relief for all would be that of effectual economy; and if gentlemen would imitate the example of the hon. member for Aberdeen, they might, in the estimates which were still to be voted, retrench as much as would supply the place of this tax.

Colonel *Wood* admitted, that the interests of the agricultural and commercial classes were the same, and that nothing could be more fatal than to separate them; but he could not believe that the reduction of our finances would be the means of making us more respectable in the eyes of the other powers of Europe. He admitted that the malt tax, as a general measure, pressed hard on the comforts of the poor; but he could not see how this bill was calculated to relieve them. The whole of the tax now proposed to be taken off would not make the difference of one farthing in the price of a pot of beer; but even of that difference the consumers would not get the benefit. The brewers had first to dispose of their large stock on hand; and as very little malt was made after the month of May, this would carry them on to nearly the next sitting of parliament; and then, before they reduced their price, they would wait to see whether the chancellor of the exchequer would propose a renewal of the tax; so that if the present bill were carried, it would be nearly a year before the consumers could derive any benefit from it, however small. The system adopted on the other side seemed to be that of taking a round at every tax, in the hope that with some one they might be able to succeed. There was the motion for the repeal of the tax on malt; for the repeal of that on windows; for a repeal of the wool tax; and, for the repeal of the agricultural horse duty. Now, he contended that the repeal of those taxes would be a great injury to the country. The present tax was proposed to be repealed for the relief of the agriculturists; but the House should recollect that there was a committee sitting up stairs on that subject; and he thought it was not treating that committee with common courtesy not to wait until they had delivered in their report. Honourable members had talked of the property tax. Now, he was one of those who thought the House had committed a great error in the repeal of that tax. If that were to be restored with proper modifications, he would be willing to repeal the malt tax altogether.

Mr. *Frankland Lewis* said, he thought it was a decidedly wise step in the House to have gotten rid of the property tax, because it operated upon too few subjects. This objection did not apply to the malt tax. To render a property tax at all endurable, it ought to exclude from any share of the burden it cast on society, those persons who had merely a life interest in their property. He would not consent to shake the security of the country by making any diminution rashly in the revenue. He could not therefore consent, under the present circumstances, to take off this tax. If establishments of a great extent were necessary for the public security, suitable means ought to be given to his majesty's government to support the charges. He should be particularly averse to this repeal, as the reduction of the tax would necessarily affect the sinking fund. From what he had witnessed of the disposition of ministers to reduce our establishments, he had no doubt, that suitable reductions from time to time would be acceded to. The repeal of the present tax would not, after all, afford relief to the extent of one farthing in the pot of porter.

Captain *Gordon* corroborated the statements with respect to Scotland, and wished for an equalization of the duties. He objected to this bill, that it did not extend to Scotland.

Mr. *Smyth* strongly recommended economy, both in our military establishments and in the expense of collecting the revenue. The best preparation for war was, to husband our resources in peace. He should certainly vote for the repeal of the tax.

Lord *Castlereagh*, before he made the observations which occurred to him, requested the clerk to read the following entry on the Journals of the 8th June, 1819, of the sixth Resolution of the Committee on Public Income and Expenditure:

"Resolved, That it is the opinion of this committee, that to provide for the exigencies of the public service, to make

such progressive reduction of the national debt, as may adequately support public credit, and to afford to the country a prospect of future relief from a part of its present burthens, it is absolutely necessary, that there should be a clear surplus of the income of the country beyond the expenditure, of not less than 5,000,000*l.*; and that, with a view to the attainment of this important object, it is expedient now to increase the income of the country, by the imposition of taxes, to the amount of 3,000,000*l.* per annum."

The resolution having been read, the noble lord said, he could assure the hon. member for Essex, that in rising to redeem his pledge when the bill was introduced; namely, that he would give it his most strenuous opposition, he did so with great pain. It was no inconsiderable source of regret to a person standing in the situation of responsibility which he occupied, to resist, at a moment of pressure, a suggestion from so respectable a member, which had for its object the diminution of the public burthens. But he felt, that in doing so on the present occasion, he was discharging an important public duty to all classes of the community, and to none more than to that great class of the people who were now peculiarly under circumstances of difficulty. Arduous and painful as his task was, it would have been still more so, could he persuade himself, that the repeal of the duty in question would really give relief to those for whose relief it was intended. But, while on the one hand he was convinced, that the interest of the community at large was the true interest of the landholder, so on the other hand he was also persuaded, that if the country were in a situation to allow of the remission of any tax, the duty on malt was not the tax which ought to be selected for that purpose. He had listened with great pain to many of the topics which had fallen from hon. gentlemen in the course of this and preceding debates. He thanked God, however, that the time was now come when sentiments injurious to the credit of the country, or subversive of the great principles of public faith, would not be listened to with favour. He even endeavoured to persuade himself, that those by whom such sentiments were uttered, recoiled from their avowal, and endeavoured to explain them away. He was not afraid, that a British parliament would ever forget those principles of justice and good faith by which this country had been so long upheld. But, what they had to guard against was, being induced to do that indirectly which no consideration would tempt them to do directly. Now those principles of public faith would be as effectually violated by diminishing the public revenue to such a degree as would compel the government to depend upon precarious loans raised upon a bankrupt exchequer, as they would be by supporting one interest at the expense and to the exclusion of every other. At the outset, therefore, he warned the House, at a moment when the surplus of the revenue was not sufficient to allow of any progress being made in the reduction of the debt, and when the House was quite unable to redeem its pledge of 1819, to guard the public credit against the calamity which a bad year of revenue might suddenly inflict. The line of duty was strictly compatible with the best interests of the country; for it was demonstrable, that the question of relief which the proposition of the hon. member for Essex would afford, would not be such as any individual would be conscious of, and therefore would not carry with it any consolation for an infraction of those principles, the maintenance of which the public credit demanded.

Having thus stated the general principles by which he was influenced in his consideration of this question, he should next proceed to state the grounds on which he should found his opposition to the present bill. There were three points which appeared to him to be particularly deserving the attention of the House. The first was this—Was the country in such a situation with regard to the public creditor, its revenue, its expenditure, as justified it in remitting any particular tax? The next was—Supposing the country to be in such a situation as he had described, was the present the peculiar tax which ought to be remitted? and the third was, whether there was any thing in the working of this tax that afforded to the House a financial motive for repealing it. In his consideration of these three points he would reverse the order in which he had placed them, and would commence with the examination of the last of them. He would ask honourable members who were most conversant with the agriculture of the country, whether they could point out any inconvenience or any injury aris-

ing out of the working of the tax as a ground for its repeal? He trusted, that even those gentlemen would agree with him in this position, that nothing could be more inconsistent with financial wisdom than to impose a tax as the support of a particular system of finance, and then to repeal it without any adequate motive being shown for so doing. Now, the present tax formed the leading feature in the system of finance, which his right hon. friend the chancellor of the exchequer had submitted to parliament in 1819, and therefore ought not to be touched unless the most convincing necessity could be shown for meddling with it. He wished those gentlemen to inform him, what there was in the returns, that could lead any man to suppose, that this tax had injured the sale of barley so much as to diminish the sale of the article on which the tax was laid; and also what reason there was, supposing the sale of the article not to have been diminished by it, either for proposing or consenting to the repeal of it. The market for barley had scarcely ever been so well stocked as during the last year; indeed, the quantity of malt consumed during that period exceeded the quantity of any year during the last 30 years—and he would not except even the last four, during two of which this tax had not existed by no less than 600,000 or 700,000 bushels. This was as clear a demonstration as could be given, that the consumption of barley had not been narrowed by the operation of the malt tax; and if the consumption had not been narrowed; he wished to be informed, where it was that the hon. member for Essex had discovered that the farmer had suffered so materially by it. Honourable members would doubtless recollect, that when this tax was first proposed to parliament, his right hon. friend the chancellor of the exchequer had predicted, that it would not inflict any additional pressure upon the country. That prediction had been completely verified; for, so far was the price of beer from having risen under its operation, that it had absolutely suffered reduction twice since June 1819, in which month it was first imposed, so that this tax had actually been a considerable resource to the exchequer, without placing any additional burthen upon the consumer.

He would next call upon the House to consider what would be the effect of taking it off at present. And here he would ask the hon. member for Essex, whether, in case no other tax were to be imposed in lieu of it, he would guarantee its remaining off for two years? Indeed, if it did not remain off for that period, what benefit would accrue from it to the consumer? The amount of the tax to the consumer was three farthings a gallon. Now, when beer was sold in retail, how would the person who bought it by the quart feel the reduction? He for one was at a loss to discover how such a person could be benefitted by it; and, indeed, it was his opinion, that if the tax were taken off to-morrow, the only effect of it would be to diminish the revenue by a million and a half of money, without giving the slightest fraction of relief to the consumer of the article. The barrels of beer brewed since this tax had been laid on exceeded the average number of those brewed in the three preceding years by 120,000 barrels; so that all the evil produced by the tax was the suggestion of the hon. gentlemen opposite, who would take it off without stating what tax they would impose in its stead. Besides, any person who would look at what had regularly been the case during the last thirty years, would find, that the market for barley had not been regulated by the amount of the duty to which it had been subjected but by other incidental and extraneous circumstances. In 1814, when the duty was 4*s.* 4*d.* per bushel, the quantity consumed was 24 millions; in 1817, when, the duty was only 2*s.* 4*d.* per bushel, the quantity consumed was only 17 millions; and at present, in the year 1821, when the duty was only 3*s.* 6*d.* per bushel, 24,600,000 bushels were consumed. He had never seen a fact from which it was more decidedly proved, that the agricultural interest had not been injured—but rather benefitted—by the tax which the hon. member for Essex now sought so eagerly to repeal. One of the reasons which that hon. member had urged in favour of repealing it, was, the heavy burthens under which the agricultural interest at present laboured. But if that reason were to be admitted as having considerable weight, it would be a much better reason for repealing the agricultural horse-tax, which pressed without exception upon every person engaged in husbandry. For that reason alone, if he had no other, he would not consent to repeal the malt tax, for he loved the agricultural interest. [Loud

cheering, intermingled with some laughter.] He repeated it, he loved the agricultural interest; for habit no less than interest attached him to it; and yet, notwithstanding the attachment which he felt towards it, he would say, that there was not any one class of persons in the country less interested in the repeal of the malt-tax than the landed interest. That certainly was not a tax which he would take off to relieve the farmer, supposing that he were inclined to consent to a reduction of taxation to the amount of a million and a half annually. If he thought it practicable to reduce the annual amount of the taxes by that sum—which he did not—and the House had expressed its opinion to be in concurrence with his own on a motion recently made by the hon. member for Abingdon (Mr. Maberly), he should propose the repeal of the window-tax in preference to that of the malt-tax. There were many other taxes by which the poorer classes were more immediately affected; for instance, the salt-tax; and, if he stood in a situation in which he could at once gratify his own feelings and indulge the wishes of the people by reducing the taxes under which they laboured, he should certainly fix upon that tax before the malt-tax. He must, however, protest against this method of taking off taxes in the present state of the finances of the country, without any adequate reason being shown for the reduction. He must always resist any attempt to propagate a belief that the House was unwilling to alleviate the burthens of the people. At present it was willing, but totally unable to alleviate them. Taxes might indeed be taken off; but would any member contend, that the remission of 2,000,000*l*. of taxes would give a relief to the community equal to the detriment which would be inflicted upon it by the breach of faith with the public creditor, which would inevitably result from such a remission?

The course of his argument had now brought him to the consideration of the third point which he had stated to belong to this subject; and he was certain, that it required no appeal from him to induce the House to do its duty, according to the plan to which it had pledged itself in the resolution which the clerk had read. He was sure that the hon. member for Essex would not contend, that though it was requisite in 1819 to have a surplus of revenue to support the public credit, it was not requisite to have such surplus at present. Certainly the pressure on the agricultural interest had been great since that period, and its acuteness had been considerably aggravated by the length of its continuance. He thought, however, that it had been greatly exaggerated, though he would allow, that in some parts of the country it was so excessive, that it would be impossible to colour it too highly. In those parts of the country that portion of relief which a measure like the present would afford, would be too inconsiderable for any person to feel it; and, whilst making such a declaration, he must be permitted to observe, that it was a superficial expectation to hold out to the country that it was from the remission of taxation that the farmer was to obtain relief. Now, from the evidence already taken before the committee appointed to examine into the causes of agricultural distress, it was proved to demonstration that it was not taxation but the price of produce that was the cause of the farmer's distress. It was proved, that if you could withdraw all taxation from his expenses, he would hardly be eased by such a reduction. To state, therefore, that a repeal of the malt-tax which did not touch them as farmers, but only as consumers, would be a great benefit to them, was not to act the part of a real friend to the interest of the farmer. In 1819, when that resolution was passed, the manufacturer was in a state of great distress; he had not, however, asked for the enactment of any measure which was calculated to overturn it; and yet he was now in a state of considerable improvement. The agriculturist was now in the same state that the manufacturer was then, and he trusted, nay he was confident, that if he showed equal reliance on the wisdom of parliament, the day was not far distant when similar amelioration would betide him.

Having now performed his first duty to the House, in showing that there was nothing in the working of the malt tax that rendered it necessary to repeal it, and also that if any tax ought to be repealed, it must be some other than the malt tax, he would proceed to show the state in which the country would be placed supposing the tax to be repealed. The House would recollect that this tax was the principal one on which his right hon. friend, the chancellor of the exchequer, had relied, to carry into effect the system

of his budget, though that system had not produced a surplus of 5,000,000*l.* as had been anticipated, he was sure that the noble lord opposite would not say, that because the surplus was only two millions and a half, therefore they ought to part with it altogether. He was of opinion that the noble lord would agree with him in thinking that they ought to maintain the progress which they had already made, and not relax in their exertions; for by so doing the period could not be far distant when the salutary views of parliament in passing that resolution would be accomplished. He trusted, therefore, that the House would allow him shortly to enter into the arrangements which had been made, to create that surplus of revenue. It had long been a subject of reproach to his majesty's ministers, that they allowed the revenue to float on without any fixed or constant system, supporting it by exchequer bills or loans, just as might be convenient to them; so that there was nothing like a sinking fund, and no real surplus of visible revenue. It was said, that ministers acted upon such a system in order that they might continue to swim quietly down the stream of power, and refrain from changing it from a fear of losing their places. This he denied to have been the case; for, right or wrong, ministers had then maintained, that it was not proper to impose fresh taxes upon the community at a moment under which they were suffering considerable pressure. They had therefore, to avoid the necessity of imposing such taxes, made at that time considerable reductions. In the present year also they had made a reduction to the amount of a million and a half. They were still occupied in making further reductions, nor would they cease to make them until they reached that point, at which, by the dilapidation occasioned by pushing reduction too far, greater mischief would occur than at present. What, then, was the law which ministers had observed in the imposition of fresh taxes? They had not imposed them until 1819; because, if they had proposed them at an earlier period, parliament might have said to them—"We will not give in to your system of taxation, until you show that it is not only rational and practicable, but also sufficient for your purposes." They had therefore waited until they knew what contingencies it was probable they would have to meet; and he would now put it to the hon. member for Essex, whether he thought that it would contribute to the public credit of the country either at home or abroad, if the House of Commons were now, within two years from the time in which it passed the resolution, stating the necessity of having a surplus revenue of 5,000,000*l.* to turn round and say, that the country was so bankrupt in means and expectances as to be obliged to abandon the pledge which it had solemnly given to its creditors, and by the repeal of the malt tax to repeal the system of finance which it had previously adopted? What would be the consequence of such a measure among foreign nations? Would the influence of the country in the preservation of peace be increased by the knowledge that it had changed the whole system, which it had only adopted in the last two years, for the sake of diffusing amongst its population the benefits to be derived from the remission of 2,000,000*l.* of taxes? What would be the consequence with regard to the fundholder if such an avowal were to be made—if he were to be informed, that his dividend was to be paid not out of any surplus revenue, but some new and precarious loan? The repeal of the malt tax, therefore, could not operate as a practical relief. On the contrary, it would create considerable pressure by weakening, if it did not entirely subvert, the foundations upon which public credit rested.

He trusted that the House, in their consideration of the present question, would put the government entirely out of its view; for it was not a question between the House and the government, but a question between the House and the country. It ought therefore to be decided, after a reference of its bearings upon all the great public interests of the country. He must, however, say for himself, that if the House should think fit to repeal the tax, he should not wish to continue a member of the government of the country, whilst it was under the degraded situation of having a revenue only equal to its expenditure, and under the dangerous contingency of having that revenue even below it. The credit of the country had generally been placed high above the waters, and not in places where the waves could break over it. He had now submitted to the House the grounds on which he thought it would be a suicidal measure to repeal the malt tax. As far as reductions could be made, the hon. member for

Essex had a right to call upon government to make them; but it was not consistent with the duty of government to make such reductions as would leave the country in a helpless situation. No man felt more than he did the pressure under which it laboured at present; but he had never been more convinced of any truth than he was of this—that he was serving the agricultural interest of the country by refusing his assent to a measure which would shake public credit from its basis without affording any relief to that interest which it was especially intended to benefit.—The noble lord sat down amidst considerable cheering.

Mr. *Coke*, of Norfolk, said, he gave his cordial support to the bill. The system which had been acted upon, and which he had opposed for the last 25 years, had brought the country to the state to which he had always expected it would be brought. He almost regretted that he had lived thus long to see the country in its present state. Dire taxation was the cause of the existing distress. But it was said, the public debt must not be reduced. God forbid, that it should be improperly reduced! but in time, if something were not done, this might become unavoidable. It was said, the House must not break faith with the public creditor. But had that House not already broken its faith? He had been a member of it for 40 years, and had never known it to keep faith in any case. In his opinion, a reform of the system was necessary. The noble lord had said, that the repeal of the malt tax would not benefit the landed interest. In reply to this he would refer the noble lord to the experience of the years 1815 and 1817. In those years barley was only 18*s*. the quarter. The malt tax was repealed, and the barley rose to a remunerating price, and no complaint was heard on the subject until the chancellor of the exchequer imposed a new malt tax. The price of barley upon this again declined.

Lord *A. Hamilton* rose amid loud cries of "question." After the reception he had encountered, he felt little disposition to occupy their time; but although he might have some difficulty in justifying to the House a trespass upon its attention, he should have still more in justifying, when he met his constituents, a silent vote upon the subject in debate. The noble lord then went on to answer the arguments employed against the bill. He wished to know from the noble lord opposite, who treated expenditure as a question of convenience, whether absolute necessity might not compel a reduction in the expenses of the country. The noble lord talked of the impossibility of remaining in office under any deficiency of the needful supplies; but he remembered the fate of the income tax; he remembered the instances in which the estimates for the year had been sent back by the House; and his experience of what had happened upon those occasions guarded him from being alarmed at the hints which the noble lord had thrown out. He next adverted to a noble lord near him (lord Fife) who had voted against ministers upon the present question, and who had since been removed from a situation which he held about the royal person. That noble lord had been actuated by a regard for the interests of his country, and the wishes of his constituents: he could not have voted otherwise consistently with his own honour and with the principles which he had always professed. He trusted that the example of that noble lord would operate as a lesson to members of parliament, and that it would teach them that there were situations the maintenance of which was inconsistent with parliamentary independence.

The Earl of *Fife* stated the reluctance he felt to be obliged to intreat the indulgence of the House for a short time; but placed as he was by what had fallen from the noble lord, it was impossible to avoid making a few observations. He was not often ambitious of engaging the attention, or occupying the valuable time of the House, and it would be more congenial to his feelings not to speak on the subject alluded to. Occasions might occur, when to be silent would warrant a conclusion to be drawn which he little wished, and hoped not to deserve. He had no hesitation, however, in declaring, that the hasty mode adopted lately regarding the office he held in the king's family, was not rendered more necessary at the present moment than for a year past—and certainly by no change of conduct on his part. Sufficiently did he announce a considerable time ago, by communications and explanations addressed to a proper quarter, his desire and readiness to retire, from his inability to attend regularly to the duties, and some of them in parliament, to prevent disagreement—owing much to being obliged to watch over the

interests of a vast number of people, under circumstances cruel and vexatious. Delicacy alone prevented him last year from relinquishing, till after the coronation, a place he had accepted under particular circumstances; and it was a satisfaction to be released from it for various reasons. But the time selected was not the most suitable, having received orders to attend the king to Ireland—and after a vote given in the House, advised by his constituents, in unison with one on a similar occasion last year, urged by the state of the country, and the dictates of his judgment. As the resolution communicated so abruptly was considered as a reprimand for that vote (he had it from authority), he must own he did not repent it. If it was intended as a signal of terror to alarm others, he left to hon. gentlemen the mode of appreciating it, to whom it might apply. He always understood that resistance when successful was not called a crime; but in that House it seemed to be construed otherwise. Voting with the minority of last year, no notice was taken—but acting with the majority of the present, he was visited with high displeasure. He did not feel hurt—he was not offended, he trusted—he would ever be ready to act when necessary, in a fearless, independent, and, as far as depended on his abilities, in a becoming manner. And that his loyalty to the throne (for such a proceeding would in no ways alter his conduct)—his devotion to the House of the monarch, to whose gracious will he was indebted solely for the favour he lately enjoyed, would always appear, "true as the dial to the sun, although it was not always shone upon."—In referring to the question, he was bound to observe, that in whatever light he viewed it, he considered the tax impolitic and unjust in principle—baneful in the effects—dangerous and ruinous in the result. He appealed then to members belonging to England, who had ever shewn a disposition not only to listen to the complaints of their fellow subjects, but to commiserate and assist people from all parts of the world—he requested the gentlemen from Ireland, from what had passed—and was passing there, not to tarry—he called on those connected with Scotland to consider the state of their country and the distresses of the people, whose eyes were on the votes and resolutions of that night—he implored his majesty's ministers to think well on the danger to be apprehended, in times of restless irritability, caused often by no imaginary grievances, to conciliate when policy and interest dictated, to be contented with moderate taxes, instead of attempting to force the payment of enormous ones. He concluded in the energetic language of the Scottish poet Thomson—

> "————Ye masters, then,
> Be mindful of the rough laborious hand
> That sinks you soft in elegance and ease—
> Be mindful of those limbs, in russet clad,
> Whose toil to yours is warmth and graceful pride.
> And, oh, be mindful of that sparing board,
> Which covers your's with luxury profuse,
> Makes your glass sparkle and your sense rejoice,
> Nor cruelly demand what the deep rains
> And all-involving winds have swept away."

Lord *Folkestone* wished to offer a few words, in consequence of the allusions which had been made to him. Those allusions referred to an assertion which he had made on a former occasion. All the gentlemen who had alluded to it, had argued as if it was a matter of option with the country whether it would pay the interest of the debt or not. What he had stated was, that in the government of countries there was a moral as well as physical impossibility, which must excuse a breach of faith with the public creditor; and this proposition he would not retract. He had asked if a case might not occur in which it would be a breach of faith to the whole to keep faith with a part, as in the event of invasion by a foreign enemy. Again, he had asked, if the country were reduced by excessive taxation to such a state of commotion that it should be necessary to suspend the *habeas corpus* act, whether the government would not be compelled to break that faith. If the liberty of the country were violated, what faith could be kept with the fundholder? He had never said that the withholding of the interest on the funded debt would not be an act of injustice under ordinary circumstances; but he maintained, that in the cases which he had supposed, it would be injustice not to withhold it.

After a short reply from Mr. Western, the House divided,-Ayes 144. Noes 242. Majority against the motion 98. The second reading of the bill was then put off for six months.

List of the Majority, and also of the Minority.

MAJORITY.

Acland, sir T.
A'Court, E. H.
Alexander, J.
Alexander, J. D.
Ancram, lord
Arbuthnot, rt. hon. C.
Ashurst, W.
Astell, W.
Bagwell, rt. hon. W.
Bankes, H.
Baring, A.
Barne, M.
Bathurst, rt. hon. B.
Bathurst, hon. S.
Beckett, rt. hon. J.
Bective, lord
Belfast, earl of
Bent, J.
Beresford, lord G.
Beresford, sir J.
Bernard, lord
Blackburne, J.
Blair, J.
Bourne, rt. hon. S.
Brandling, C.
Brogden, J.
Browne, rt. hon. D.
Browne, P.
Browne, J.
Brownlow, C.
Buchanan, J.
Bruen, H.
Burgh, sir H.
Buxton, J. J.
Calvert, J.
Canning, rt. hon. G.
Castlereagh, visc.
Cheere, E. M.
Chichester, A.
Cherry, G.
Childe, W. L.
Cholmeley, sir M.
Clerk, sir G.
Clements, hon. J.
Clinton, sir W.
Clive, lord
Clive, hon. R.
Clive, H.
Cockburn, sir G.
Cockerell, sir C.
Cocks, hon. J. S.
Cocks, hon. J.
Collett, E. J.
Congreve, sir W.
Cooper, E. B.
Cooper, E. S.
Copley, sir J.
Courtenay, W.
Courtenay, T. P.
Crawley, S.
Croker, J. W.
Crosby, J.
Curzon, hon. R.
Cust, hon. E.
Cust, hon. W.
Cust, hon. P
Daly, J.
Davis, R. H.
Dawkins, J.
Dawkins, H.
Dawson, J. M.
Divett, T.
Dodson, J.
Douglas, J.
Douglas, W. R. K.
Doveton, G.
Dowdeswell, J. E.
Drummond, J.
Dugdale, D. S.
Duncombe, C.
Duncombe, W.
Dundas, rt. hon. W.
Dunlop, J.
Elliot, hon W.
Ellis, hon. G. A.
Ellis, C. R.
Ellis, T.
Ellison, C.
Estcourt, T.
Evans, W.
Fane, V.
Fane, T.
Farrand, R.
Finch, G.
Fleming, J.
Forrester, C. W.
Forster, rt. hon. J.
Gifford, sir R.
Gilbert, D. G.
Gipps, G.
Gladstone, J.
Gordon, hon. W.
Goulburn, H.
Grant, A. C.
Grant, rt. hon. C.
Graves, lord
Grenfell, P.
Greville, sir C.
Gossett, W.
Hamilton, H.
Handley, H.
Harding, sir H.
Hart, gen.
Harvey. C.
Heygate, ald.
Hill, sir G.
Holford, G. P.
Holmes, W.
Hope, sir W.
Horrocks, S.
Hotham, lord
Holdsworth T.
Howard, hon. F. G.
Hudson, H
Hulse, sir C.
Huskisson, rt. hon. W.
Innes, sir H.
Innes, J.
Irving, J.
Jenkinson, hon. C.
Kerr, D.
Kingsborough, lord
Kinnersley, W.
Knatchbull, sir E.
Lawley, F.
Legge, hon. H.
Leigh, J. H.
Lenox, lord G.
Leslie, C. P.
Lewis, T. F.
Lewis, W.
Long, rt. hon. C.
Lowther, visc.
Lowther, hon. H. C.
Lowther, J. H.
Luttrell, J. F.
Lygon, hon. H.
Macdonald, R. G.
Macnaghten, E. A.
Magennis, R.
Mansfield, J.
Marryat, J.
Martin, R.
Martin, sir T. B.
Metcalfe, H.
Mills, C.
Monteith, H.
Morland, sir S. B.
Mountcharles, earl
Musgrove, sir P.
Neale, sir H.
Needham, hon. F.
Nolan, M.
Osborne, sir J.
Ommaney, sir F.
Onslow, A.
Paxton, W. G.
Paget, sir C.
Paget, hon. B.
Palk, sir L.
Palmerston, lord
Pearce, J.
Pechel, sir T.
Peel, rt. hon. R.
Pellew, hon. P. B.
Phipps, hon. G.
Pitt, W. M.
Plumber, J.
Pole, rt. hon. W. W.
Pole, sir P.
Pollington, lord
Powlet, hon. W.
Prendergast, J.
Pringle, sir W.
Ray, sir W.
Rice, hon. G.
Ricketts, C. M.
Robertson, A.
Robinson, rt. hon. F.
Rochford, G.
Rocksavage, lord
Russell, J. W.
Ryder, rt. hon. R.
Scott, hon. W.
Scott, S.
Shaw, R.
Sheldon. R.
Smith, J.
Smith, G.
Smith, S.
Smith, R.
Sneyd, N.
Somerset, lord G.
Somerville, sir M.
Stewart, sir J.
Stewart, A.
Stopford, lord
St. Paul, sir H.
Strutt, J. H.
Suttie, sir J.
Taylor, sir H.
Townshend, hon. H.
Tremayne, J. H.
Trench, hon. F. W.
Thompson, W.
Ure, M.
Uxbridge, earl of
Valletort, lord.
Vansittart, rt. hon. N.
Vernon, G. V.
Villiers, rt. hon. G.
Vivian, sir H.
Walker, S.
Wallace, rt. hon. T.
Wall, C. B.
Walpole, lord.
Ward, hon. W.
Ward, R.
Warrender, sir G.
Wetherell, C.
Westenra, hon. H.
Wigram, sir R.
Wigram, W.
Williams, W.
Williams, R.
Wood, col.
Wortley, J. S.
Wrottesley, H.
Wilson, sir H.
Yarmouth, lord.
Yorke, sir J.

TELLERS.

Binning, lord
Lushington, S. R.

PAIRED OFF.

Apsley, lord
Bouverie, hon. B.
Bradshaw, R. H.
Chaplin, C.
Dalrymple, A.
Evelyn, L.
Manners, lord C.
Morgan, G.
Money, W.
Northey, W.
Price, R.
Seymour, H.

MINORITY.

Allen, J. H.
Althorp, visc.
Astley, J. D.
Beaumont, T. W.
Barham, J. F.
Barham, J. F. jun.
Barnard, visc.
Barrett, S. M.
Becher, W. W.
Bennet, hon. H. G.
Benyon, B.
Bernal, R.
Birch, J.
Browne, D.
Bright, H.
Bury, visc.
Blair, J. H.
Bruce, R.
Baillie, J.
Belgrave, visc.
Buxton, T. F.
Bastard, E. P.
Boughton, W. E. B.
Boughey, sir J. F.
Benett, J.
Chaloner, R.
Calcraft, J.
Campbell, hon. J.
Cavendish, lord G.
Cavendish, H.
Cavendish, C.
Clifton, visc.
Coke, T. W.
Colburne, N. R.
Concannon, L.
Crespigny, sir W.
Crompton, S.
Curwen, J. C.
Creevey, T.
Curteis, J. E.
Chetwynd, G.
Corbett, P.
Davies, T. H.
Deerhurst, visc.
Denison, W. J.
Duncannon, visc.
Dickenson, W.
Davenport, D.
Ellice, E.
Farquharson, A.
Fergusson, sir R. C.
Fitzroy, lord C.
Fitzroy, lord J.
Folkestone, visc.
Fairlie, sir W. C.
Fife, earl of
Forbes, C.
Fellows, W. H.
Glenorchy, lord
Gooch, T. S.
Graham, sir J.
Grattan, J.
Grant, J. P.
Grant, F. W.
Grant, G. M.
Gurney, R. H.
Haldimand, W.
Hamilton, sir H. D.
Harbord, hon. E.
Heathcote, G. J.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Honywood, W. P.
Hornby, E.
Hughes, W. L.
Hume, J.
Hurst, R.
James, W.
Johnson, col.
Jervoise, G. P.
Keck, G. A. L.
Lamb, hon. W.
Latouche, R.
Lemon, sir W.
Lennard, T. B.
Lethbridge, sir T.
Lloyd, sir E. P.
Lloyd, J. M.
Lockhart, J. J.
Maberly, J.
Maberly, W. L.
Mackenzie, T.
Mahon, hon. S.
Majoribanks, S.
Martin, J.
Mildmay, P. St. J.
Monck, J. B.
Moore, A.
Ord, W.
Osborne, lord F.
Ossulston, lord
O'Grady, S.
Palmer, col.
Palmer, C. F.
Pares, T.
Parnell, sir H.
Price, R.
Pryse, P.
Pym, F.
Portman, E. B.
Ramsay, sir A.
Ramsbottom, J.
Ramsden, J. C.
Ricardo, D.
Rickford, W.
Ridley, sir M. W.
Robarts, W. A.
Robarts, A.
Robinson, sir G.
Rogers, E.
Rowley, sir W.
Rumbold, C.
Russell, R. G.
Scott, J.
Scourfield W. H.
Scudamore, R. P.
Sebright, sir J.
Smith, hon. R.
Smith, W.
Smyth, J. H.
Stanley, lord
Stewart, W.
Stuart, lord
Sykes, D.
Talbot, R. W.
Temple, earl of
Tennyson, C.
Townshend, lord C.
Tynte, C. K.
Wells, J.
Wemyss, J.
Western, C. C.
Whitbread, S. C.
Wodehouse, E.
Wood, ald.
Wynn, sir W.
Wyvill, M.

TELLERS.

Hamilton, lord A.
Shelley, sir J.

PAIRED OFF.

Daly, J.
Fitzgerald, M.
Heathcote, sir G.
Macdonald, J.
Mackintosh, sir J.
Milton, lord
Neville, hon. R.
Newport, sir J.
Ponsonby, hon. F. C.
Plumer, W.
Russell, lord W.
Russell, lord J.
Sefton, earl of
Tavistock, marq.
Whitbread, W. H.
Wilkins, W.

HOUSE OF COMMONS.

Thursday, April 5.

State of the Game Laws.] Lord *Cranbourn* rose to move for a committee to inquire into the state of the Game Laws. When the House recollected the numbers who were daily committed to prison for offences arising out of these laws they could not but see the importance of the subject. He thought, too, that the laws were in many respects absurd and inconsistent. In some cases, a son was qualified while the father was not. The noble lord mentioned several other instances to show the anomalous state of the law upon this subject, and concluded by moving for the committee.

Sir *J. Sebright* seconded the motion. He was sure that any change would be for the better. A set of laws more absurd or unjust never disgraced any country. With respect to their effects, they tended to demoralize the people. It was his opinion, that game should be put upon the same footing as other property.

Sir *J. Shelly* said, that when he recollected that a bill for altering the game laws had been brought in by the late member for Hertfordshire (lord Dacre), and enforced by all his eloquence and yet had failed, he could not expect much from the present motion. However, the noble lord had said, to use sporting language, "though lord Dacre missed fire, I'll whip on his jacket, and have a shot at the game laws." The game laws had not been fairly treated; for there was no set of laws that might not be open to objection, if their bad effects only were considered. If the game were destroyed, the

great inducement to country gentlemen to reside on their estates would be taken away.

Sir *Joseph Yorke* said, that though he was not a killer of game, he was an eater of that nice article, but since the bill of an hon. member (Mr. G. Bankes) had passed, he had never been able to get a second course. He hoped, whatever bill the noble lord brought in, there would be a clause in it to provide, that when an humble individual like himself was about to give a dinner, and said to his wife, "My dear, let us have some game," he might not be met with the unpleasant difficulty, "where shall we get it?"

Mr. *G. Bankes* was glad his bill had been so effectual. If that bill destroyed poaching, it would destroy the nest from which great part of the evil of the country originated. He objected to a committee which would take up the time of the House without adding any thing to its information. As the subject was not new, the noble lord might at once move for leave to bring in a bill. As to the game laws themselves, no one could deny, that a great number of persons were at present in prison on account of them, and nothing would be more easy than to put an end to this, by abolishing those laws. But this might be said of any other law. They all lamented the number of punishments for forgery. Nothing was more easy than to put an end to the laws against it. But what then became of the property of the country? So they might abolish the game laws, but what then became of the game of the country? The general permission to shoot would only make the country people ten times more vicious and indolent: in six months the game would be destroyed, and the better classes of people would be left without their amusement, which attached them to the country.

Colonel *Wood* said, he was the unfortunate individual who moved for the committee of 1810. When he had got into that committee, they would agree to nothing that he proposed. He had proposed to the committee to examine to what extent the evil of poaching had gone, and to consider a remedy. This the committee refused, and said they would take for granted there was a great deal of evil from poaching. So that after much discussion the only resolution the committee came to was this—"That it is the opinion of this committee that game should be the property of the person on whose ground it is found:" and so they reported. As for the remark of his hon. friend, that no one in London could get a second course, he could only say that his hon. friend was not so much in the confidence of the poulterers as he was. If his hon. friend would give a social dinner, he would undertake to buy game for him. It was of importance that the committee should be appointed, for he was confident that poaching was carried on to as great an extent as ever it was. The poulterers were forced to encourage it, even against their own will. What they said was, "cut off the supply altogether, or let it be legalised." As to the remedy two courses were open. Either they might return to the state in which they were till the latter end of George 2nd, when the sale of game was legal, the rest of the laws remaining the same; or they might (to which he was more inclined) make game the property of the occupier of the land. He recommended also a revision of the law as to qualifications, which was now enforced only against the poor. The certificate might be raised to 5*l.* and all qualifications taken away. He was anxious the country gentlemen should have every inducement to reside on their estates, but it was their interest to consider the question with liberality, and to put down an evil which filled our gaols with peasantry, and laid the foundation of so many crimes.

Mr. *Douglas* opposed the motion. To legalize the sale of game would, he observed, be, in effect, to enable persons to buy licenses for the disposal of stolen purchases.

Sir *C. Burrell* thought, that at a time when the country gentlemen were labouring under so many privations, it was too much to propose to take from them the only solace they had left. With regard to the main question of the game laws, he was convinced that it would be a bad plan to separate the game from the poperty of the country. In this point he was supported by the late Mr. Fox, who, after having maturely examined the subject, had come to the same conclusion.

Mr. *Lockhart* thought that a committee ought not to be appointed, unless the specific defect in the law were clearly pointed out, and the remedy stated. The proposition of the noble lord, he was convinced, would not produce the slightest improvement in the morals of the country.

If game were to be made property, it must be under the civil law, and then the effect would be, to bring a host of pettyfogging lawyers all over the country, disputing about every head of game. To get rid of one evil, therefore, they were called on to create another of a much worse nature. He begged of the House also to consider what a restriction it would be upon the citizens all over the country, in taking the diversion of shooting, who although they might be permitted to follow the sport on the grounds of those they dealt with, would not dare to cross a hedge after game.

Mr. *Bennet*, of Wiltshire, thought the game laws required revision. Few persons stole sheep who did not first begin by poaching. If game was put upon the same footing as other property it would be the interest of the occupiers of the land to preserve it; it was now their interest to destroy it. It might be then sold so cheap that it would not be worth the poachers while to sell game.

Mr. *Coke* jun. thought the effect of making game property, would be, to render country gentlemen odious in the eyes of the nation, by giving them a mercenary sordid character, in converting that which had hitherto been regarded as an exclusive source of amusement into a means of lucre. He did not stand up as the defender of the game laws, but he was convinced it was impossible to put a stop to poaching by any laws that could be devised; and the present laws were so fitted and fashioned to their end by the operation of time, that any attempt at alteration would be more likely to defeat the object than to promote it.

Mr. *Warre* neither wished to spoil the amusements of the country gentleman, nor to remove the inducement which he now had to reside on his estate; but he believed the present laws to be the source of much crime, and should therefore vote for their revision.

Lord *Lowther* spoke against the motion, conceiving its object to be two-fold, namely, to legalize the sale of game, and to prevent poaching. He must protest against the former, as it would serve rather to promote than to prevent poaching.

Mr. *Harbord*, convinced as he was, that great moral evil resulted from the present system, was inclined to support a measure which might tend to correct it. Much stress had been laid upon the argument that the present game laws presented a strong inducement to landed proprietors to reside upon their own estates. If the only amusement which gentlemen could find in the country was that of shooting pheasants, he thought the country would not lose much by their absence.

The House divided: Ayes 52. Noes, 86. Majority against the motion 34.

Agricultural Horses Tax.] Mr. *Curwen* rose to bring forward his promised motion for the repeal of the tax upon Horses employed in Agriculture. Against this proposition, he felt that the same objections could not apply, which were urged upon the measure of his hon. friend the member for Essex, with regard to the repeal of the malt tax. For the tax to which his motion would refer, operated in a most unequal manner, pressing most severely upon those who had to cultivate the waste land, while it was, to a certain extent, oppressive upon all farmers, especially of the smaller class. There was, indeed, scarcely a farmer who had not reason to complain of the operation of this tax; for what farmer could conscientiously swear that he never used any of his agricultural horses for any other purpose than farming? and if he did not so swear, the horse otherwise used was charged as a saddle-horse. There was this material difference between the malt tax, and that to which he referred, that while it was maintained, that the repeal of the former would confer no benefit on the agriculturist or the consumer, no such argument could be used in the present case, as the repeal of the agricultural horse tax would be an immediate boon to the farmers. The present tax too, was in amount much less than that of the malt tax; and therefore it could be the more easily dispensed with. This tax was, indeed, so exceptionable, that he was surprised at its original enactment. But the unequal operation of it was peculiarly to be deprecated. For instance, if a farmer had four horses, three were charged at 17*s*. each as agricultural horses, and the fourth was set down as a saddle horse at 20*s*., although such horse had never a saddle upon his back or any thing more in that shape than a whisp of straw; in addition to which 10*s*. 6*d*. was charged for a groom. Hence it appeared, that if a farmer possessed 50 acres of land, with four horses, he was subject to a tax of above 5*l*. a-year for his horses and supposed groom. He trusted that such a case

would attract the attention of the noble lord (Castlereagh), as the friend of agriculture, if the chancellor of the exchequer were even determined to be deaf to the appeal. That appeal was for the consideration due in common equity to those who had bad or inferior lands to cultivate. But another consideration was due to the farmers in the northern counties, compared to those in other districts. For instance, he had been told by his hon. friend, the member for Norfolk (Mr. Coke), that he could plough sixty days more in the year in his county than could be done in Cumberland. Did not this fact, then, entitle the farmers in the northern counties to somewhat more of attention upon the subject of taxation? But the manner in which the farmers were occasionally surcharged was peculiarly grievous. One grievance of this nature had come to his knowledge. A small farmer of 70 years of age, who, when in better circumstances, was a sportsman, was proceeding with his horse to market, having some articles for sale, but, happening to meet a party engaged in fox-hunting, he could not resist the attraction, and therefore throwing down his goods, he mounted his horse and followed the hounds. Was not this a case which ought to be excused from the penalty of using an agricultural horse for any but agricultural purposes? Yet, in this case, an informer appeared, and the poor old farmer was actually surcharged. He called upon ministers to devise some means of relieving the farmers from such oppression, and to contrive a more equal distribution of the taxes. By this remission, 2*s.* 6*d.* a week might be added to the weekly wages of every day labourer in England, and that would be an addition, which would lead to various results advantageous to the country. He was confident, that the low price of corn was not owing to an over-production, but to an under-consumption, in consequence of the comparative inability of the labouring classes to purchase. These classes could not, indeed, afford to buy as formerly, and hence consumption had fallen off, which circumstance naturally led to a fall of prices. Some gentlemen professed to think, that the distress of agriculture was in a great measure owing to the quantity of bad land in cultivation, but, if it were not for the cultivation of these lands, with all their disadvantage to the farmers, the surplus produce of all Europe, or of the world, would not be sufficient to supply the wants of this country. The produce of our bad lands generally supplied the consumption of the country for two months in the year, and that was more than had ever been imported. It had been stated, that if the import of corn were free from restriction, those who sent it would take the produce of our manufactures in return; and hence, it was argued, that our commerce and manufactures would be enriched by the unrestrained import of corn. But who were the persons by whom it was expected our manufactured goods would be taken in exchange for corn? There were now no corn-merchants on the continent—Monarchs were, at present, the only great corn-dealers abroad. The king of Sweden was, indeed, one of the first corn-merchants. And, if our ports should be at present opened, the greatest supply of corn to be looked for was from the king of Denmark, who had a vast quantity of corn in store, and who was still a greater dealer in corn than the king of Sweden. And, if the king of Denmark should send us corn, who could suppose, that his majesty would take our hardware or woollen manufactures in return? No. This monarch, like any other foreign dealer in corn, would require from us either bullion or bills in payment for his corn.—But he hoped and trusted, that our ports would never again be opened for the import of corn, and that this country would always be able to grow enough for its own consumption, instead of looking for any foreign supply. This, however, could not be the case, if the low or inferior soils were thrown out of culture. But, if those lands were thrown out of cultivation, what was to become of the people who were at present employed in labouring upon them? Were those labourers thrown out of employment, there would be no resource for them but the poor's-rate, the amount of which was already enormous.—Another subject of complaint among the farmers was, the delay which took place in judging upon surcharges. This delay was a source of great vexation and injury. For example, a farmer happened to find, that the application of a metallic spring to a cart would serve most materially to facilitate labour—to give the power, indeed, of two horses to a one-horse cart. But, as soon as the use of the spring was discovered, he was actually surcharged for a gig. But this farmer deeming it quite impossible, that he should be ultimately required to pay 6*l.* 12*s.* for the use of such

an improvement, continued the use of it, and 12 months having elapsed before the judgment was pronounced, he had to pay the year's tax as well as the surcharge. It was the duty of the chancellor of the exchequer to look to a case of this nature. But, he called upon the right hon. gentleman to turn his attention to the several taxes which pressed upon the necessaries of life, and bore down the labouring classes. It would be not only a measure of benevolence, but of wisdom, to repeal all those taxes, and, in lieu thereof, to impose an income tax of 5 per cent. To such a tax no rational objection could be made; for, while it would afford great relief to the labouring classes, it would press only upon the rich, including alike the fundholder and the landholder. If such an income-tax were proposed as a substitute for the malt, the salt, and the leather taxes, with those upon soap and candles, it would, he had no doubt, be hailed as a most auspicious measure by all considerate and candid men. This tax upon income would, too, serve very amply to indemnify the treasury for the repeal of the several duties which he had mentioned. Such a substitute would have another material advantage—that it would save the country from great expense in the collection of the revenue, as well as put an end to that patronage of which he feared that government were always too tenacious. But the mode in which the taxes upon the necessaries of life were collected, had some peculiarities which must strike the House with surprise. Would it be believed that two millions of those taxes were exacted for paupers who had really nothing to pay; that one-fourth of their entire annual produce was actually paid upon the necessaries consumed by parish paupers — by those, indeed, who subsisted upon the bounty of others? But how many labourers, who could not subsist upon their present wages, and who therefore were obliged to resort to some parochial aid, were among the contributors to the payment of those taxes? If, then, those taxes were repealed, such persons could subsist upon their wages, and avoid the disgrace of applying for parochial relief. Another circumstance was this—that if the land continued to fall off in price, the paupers could not be maintained without resorting to the towns where the manufacturers and mechanics were scarcely in a state to afford any relief without injuring, if not sacrificing themselves. But the great object of the legislature, in every view, should be to support agriculture. The manufactories could, notoriously, produce one-third more than any market could be found for. They still, however, could go on well, if their best customers, the agriculturists, were enabled to purchase more of their commodities. The hon. member concluded with moving "That leave be given to bring in a bill to repeal so much of the acts of the 43rd and 52nd Geo. 3, and the 2nd of his present majesty, as imposes certain duties on Agricultural Horses, and other horses employed in leading lime, coal, and other merchandize."

Sir *W. W. Wynn* supported the motion, because he thought its principle unobjectionable. At the same time, he should have preferred that his hon. friend had postponed it until after the bringing up of the report of the agricultural committee.

Sir *C. Burrell*, after declaring his concurrence with the principle of the motion, expressed a wish, that it had been postponed until the report of the agricultural committee were brought up. The unequal pressure of the existing tax could not be denied. For instance, where land required lime, which was particularly the case with lands of inferior quality, additional horses must be employed to carry it; for oxen, although they answered the purpose of agriculture in the field, could not carry great weights for any distance upon the roads. Under all the circumstances, he trusted his hon. friend would consent to postpone his motion.

Mr. *Davenport* expressed his concurrence with the motion, but wished it to be postponed until after the agricultural committee had made its report.

Mr. *Benett*, of Wilts, approved of the motion, and saw no necessity for its postponement.

Mr. *Curwen* said, that if the right hon. gentleman opposite would pledge himself to meet the question at a future period, he would withdraw his motion.

The *Chancellor of the Exchequer* said, he wished to know the degree of importance which the agricultural committee would attach to the repeal of this tax. Unless they considered its repeal of great importance to the agricultural interests, he thought no benefit arising from it could equal the inconvenience which would result, in a financial point of view, from the subtraction of so large a sum as 500,000*l.* a year from the revenue.

Sir *T. Lethbridge* was satisfied, that the country would consider the repeal of the tax as a great relief. He did not wish to undervalue the opinion of the committee up stairs; he must say that he thought it would be much better for the House to grant this small boon to the agriculturists at the present moment.

Mr. *Gipps* hoped the hon. member would not press his motion, but bring it forward again after the committee should have made their report. He was convinced if ministers would put their shoulders to the wheel, that they would be able to find means of raising 500,000*l.* in a manner more serviceable to the country.

Mr. *Ricardo* said, he should certainly give his support to the motion. He should do so on the same principle on which he had voted for repealing the last duty on malt, not because it was in itself a bad tax, or pressed with peculiar hardship on the landed interest, but with a view of compelling the observance of strict economy in the administration of government. It was his belief that the whole amount of the malt tax might be saved by measures of economy; and as he looked upon the sinking fund to be utterly useless—to be at this moment unproductive of one single good effect—he was quite disposed to abrogate every tax so long as any portion of that fund remained in existence. The hon. mover had stated, that foreign monarchs were embarking in the corn trade, that they were becoming merchants, and that the king of Sweden was importing oats into this country. Now if this were the fact, he for one should rather rejoice at it, because he should expect to make much better bargains with kings and princes than with their subjects. The hon. gentleman, however, need not be under any alarm; for if, as he represented, these trading potentates would not take back our hardware and pottery in exchange, and would receive nothing but bullion, there was a sufficient security for our continuing to grow our own corn.

Mr. *Baring* expressed his regret at hearing this question argued with reference to the conflicting interests of different classes of the community. It gave him some surprise to find his hon. friend treating a great national subject in a way which, practically considered, he must pronounce extraordinary and almost absurd. He was now alluding chiefly to what fell from his hon. friend in relation to the sinking fund. At the same time he felt it his duty to observe, that those gentlemen who had given their uniform support to ministers through a long and extravagant administration, and who had enabled them to spare the country from a large amount of direct taxes by means of successive loans, did come forward with a very bad grace to propose and recommend the cheating (for it was no less) of the persons who had advanced those loans. The impression which their reasonings were calculated to produce was, to be sure, not very considerable; and he relied too much on the moral feelings of the country, to apprehend that they would ever acquire much popularity either in the House or elsewhere. With regard to the sinking fund, it might be very natural to some to treat it with contempt; but that a person of his hon. friend's ingenuity and sound principles should speak of it as utterly useless, and express a readiness to do away with every tax that contributed to support it, astonished him not a little. When his hon. friend was thus willing to surrender the last sixpence of the sinking fund, he (Mr. B.) could have wished him to amplify his argument, and to lay before the House those views under which he conceived that our financial system ought to be conducted. If his hon. friend had objected only to the mode of keeping the accounts of the sinking fund, he was perfectly ready to concur with him, for it was calculated only to puzzle and confuse. But to say that a sinking fund ought not to be maintained, was in effect to say that the country should go on borrowing, as long as fools enough could be found to lend their money, and that no security should be offered to the creditor. With respect to the repeal of the present tax, he did not think it was calculated to afford much relief to the agricultural interests; nor did he think that much more information than gentlemen already possessed upon the subject, was likely to be obtained by waiting for the report of the committee. For his own part, he had always considered the maintenance of the finances of the country an object of essential importance; and he thought the country would be better able to engage in any contest, or cope with any difficulties, with a strong finance than with a strong military or naval establishment.

Mr. *Calcraft* said, he was desirous to keep up the financial credit of the coun-

try as his hon. friend could possibly be; but with respect to the question of keeping up a sinking fund, it was necessary to consider how far the comforts and means of the people would enable us to do so. Such was the state of the country, and such the situation of particular classes of the community, that it was better, even with a view to keeping up the national credit, to relax a certain part of the public burthen, than to press the people to extremity. Let our army and navy establishments be reduced, and that reduction would afford the very means of keeping up the sinking fund. He did not object to the sinking fund, but to the manner in which it was employed. The sinking fund was, in fact, a hoard of money kept up at a great expense, and taken from the people at inconvenient periods, and by hard means. It was a large treasure amassed under the name of a sinking fund, and lavished at pleasure by the government. Was that the way to save the resources of the people? The money would be much safer, he contended, in the pockets of the people, both as a security for themselves, and a resource for the state, than it was even in the hands of the commissioners for discharging the public debt. With respect to the motion, he should support it if his hon. friend pressed it to a division.

Lord *Milton* feared, that the distress of the agricultural classes was not duly appreciated. It seemed to him that the best course would be, to allow his hon. friend to bring in his bill, and then to suspend its stages till they were in possession of further information.

Mr. *Curwen* said, that under the circumstances, he did not deem it advisable to press his motion; but, in withdrawing it, he wished to reserve to himself the liberty of again bringing it forward, if there should be no prospect of the committee making an early report.

The *Chancellor of the Exchequer* said, that nothing could be more fair than that the hon. gentleman should retain the option of reviving his motion if the report of the committee should be delayed beyond this session. His own object certainly was, to perceive what was the degree of importance attached to the tax in question by the committee. All that he had to observe at present was, that he did not see what material relief would be afforded by its repeal, and did not know what substitute could be proposed.

Mr. *Bright* gave notice, that he should resist the introduction of any substitute in the event of the tax being repealed.

The motion was then withdrawn.

Timber Duties.] The House having resolved itself into a committee on the Timber Duties acts,

Mr. *Wallace* noticed at some length the objections which had been made to the proposition which it had been his duty to submit to the House. These were most contradictory in their nature. By some he was accused of favouring the trade to the North of Europe too much, while others accused him of undue partiality for that to North America. From these conflicting opinions, he was led to conclude that the proposition which had been brought forward was, upon the whole, pretty fair to all parties concerned. With the view he took of the subject, he could offer no new concessions, and he did not feel disposed to accede to the proposition which the noble lord (Althorp) had submitted to the House on a former night. He was unwilling to afford any undue advantages to the trade of Norway. What had been said with respect to the debt owing by Norway to this country, to make up which he supposed all the bad debts to have been scraped together, did not materially bear on the question. If such debts were owing, it was not to be supposed that it could be paid in wood; it must be settled through the medium of a negotiation between the two governments. Norway had had a full share of our timber trade. This he apprehended, could not be denied, when it was seen that she had had a third of our whole trade to the North of Europe. He was disposed to show some favour to Norway in the arrangements to be made, but he was not disposed to afford her such advantages as would lead to the total exclusion of the trade of Russia and Prussia. The right hon. member then made comparative statements between his proposition and that of the noble lord, thereby shewing that the latter gave considerable advantage to Norway over Russia. The system which had been recommended by an hon. baronet was nothing more nor less than a system for excluding the timber of our colonies from this country altogether. The shipping interests, and the interests of the colonies, had a claim upon their protection, and it would be the height of injustice if the committee

refused to grant that protection. He felt confident that he had said sufficient to convince hon. members that the Resolution was one which ought to be agreed to, both with a view to the conduct they were bound, in fairness, to pursue, as well as to the true interests of all parties connected with the trade.

Sir *H. Parnell* said, that nothing which had fallen from the right hon. gentleman went to change the opinion which he had previously entertained upon this question. He considered his proposition to impose a direct tax upon the country, and that partly for the purpose of giving Russia an opportunity of importing deals. If his principle was good in this respect, he would perhaps see the propriety of extending it further in encouraging a free foreign trade. If he took off the duties upon foreign deals, why not also take off the duties upon linen? He knew no reason why the duties upon hemp should be kept up at its present high rate. All these duties would be reduced with the most beneficial results to trade in general. The right hon. gentleman supported his proposition upon the ground of expediency, and upon the great protection which he considered to be due to the shipping and colonies. But with regard to this doctrine of expediency, it was not supported by any of the facts of the case. There had been no case made out to call for the imposition of such duties for the sake of conferring benefit upon the colonies. Nothing had been said to justify the sacrifice which the country must make for the sake of affording protection to these particular interests. The bounty given would create a tax not amounting to less than 3 or 400,000*l.* a year. They ought, as soon as possible, to recur to sound principles respecting this trade, and at some future period the duties should be placed upon a footing of equalization. Feeling that the present opportunity ought not to pass by without their endeavouring in some degree to accomplish that object, by acting upon broader principles, he should move as an amendment to the Resolution, that after the word "And," all the words shall be left out, and the following be inserted in their place:—That from and after the 1st of January 1825, the duty upon all foreign timber imported into the united kingdom, shall be 2*l.* per load of 50 cubic feet. And that the duty upon all foreign deals imported into the united kingdom, from and after the same period, shall be 2*l.* 5*s.* per load of fifty cubic feet; the same to be charged on the cubical contents of the said timber."

Mr. *Bennet* said, that standing as a neutral person, without any shipping or other commercial interest, he wished to give his public aid to that great principle of free trade, which alone could relieve the country from its present difficulties. The House ought at least to take the first favourable opportunity of putting one branch of trade out of the trammels in which it toiled; and the committee would bear in mind, that this was not a trade which had been established for centuries, it was not like the silk trade, for instance, it had only been established since 1807 or 1809. He wished the committee to bear in mind that they were not legislating for Russia, for Norway, or for Canada —but for England. They were bound to examine in what way they could bring the article of timber into this country at the cheapest rate. If he could show, as he thought he could, that it could be procured from Russia and Norway, for one half less than from Canada, he should be making out a case which must satisfy the committee. The proposition of the right hon. gentleman went to prohibit the good article which was near at hand in those Northern countries, for the sake of introducing one so bad, that it would otherwise never find its way here. And this was to be done for the sake of saving the pockets of the Canadian lumbermen, or those other lumbermen the ship owners. He contended that what the right hon. gentleman called enabling Russia to compete with Norway, was, in fact, keeping the timber of the latter, which was the very best, farther and farther from our market. Instead of which it ought to be brought here as soon as an opportunity offered, inasmuch as it was not only the best but the cheapest article. Every man of common sense would see, that the proposition of the hon. baronet was that which ought to be adopted by the committee, and not the proposition of the right hon. gentleman. The hon. member then made a statement to prove that the amendment went to save 400,000*l.* per year to the country. This was a direct tax, and it was useless for the right hon. gentleman to say, that it ought to be put into the pockets of the Canada lumbermen. He then alluded to the evidence of Mr. Duff, given before the committee. He declared that that gentleman was in-

terested in the question, inasmuch as he was the agent of the ship owners and timber merchants. It was not to be expected that those individuals would care for any body but themselves. They had no feeling for the public, but the right hon. gentleman ought to have. He held an office of public trust, and he ought to consider the welfare of the public as a paramount object to that of any body of individuals whatever. The right hon. gentleman had had his choice of consulting the welfare of that public by supplying them with a cheap and a good article, or of supporting other interests, and letting them keep it dear and bad. Unfortunately he had chosen the latter, and rejected the former.

Mr. *Keith Douglas* said, he thought it would have been better if the hon. baronet had reserved his motion till the whole question had been discussed. The system now proposed was only experimental, and it might be corrected by future regulations if found inconvenient: he approved of it generally, though, with respect to deals, he thought too great an advantage had been given to the Americans.

Sir *M. W. Ridley* said, that he differed considerably from his hon. friend the member for Shrewsbury. He had indulged in some remarks upon the evidence given before the committee by those interested in the Canada trade. Now it was impossible not to observe that the same disposition existed in the evidence on all sides, to give the best colouring for the advantage of the different parties. One gentleman being asked if the Norwegian merchants did not owe a considerable debt to this country, replied "yes, and they would be glad to pay it in timber." He was not one who thought that they were bound to look to the interest of the consumer alone. They were bound also to take into consideration how the seller and the importer would be affected by the measures they were about to adopt. The Canada timber was less subject to dry rot than that of any other country. A Mr. Hay had given it in evidence, that he put down gate-posts in 1792 made of Canada timber, and upon taking them up in 1814, found them entirely free from dry-rot, and in a serviceable state for the common purposes of timber. This was undoubtedly an advantage well worthy of attention. There were 1,200 sail of shipping yearly employed in the American timber trade, and if the high rates of duty were adopted, only one half of that number would be sent out. The diminished consumption and outfitting of those vessels would create a loss to the country of 150,000*l.*

Mr. *Sykes* also thought the proposition of the right hon. gentleman would seriously affect the ship-owner, but he supported it because it was less injurious than the amendment. He looked at the interests of the ship-owners as bound up with the general interests of the country, and he did not wish to give them advantages unconnected with the general interest. He apprehended that the necessary consequence of the proposition would be, the transfer of the American trade to Norway which must seriously hurt the ship-owners of this country. The American timber trade was carried on by British shipping, but three-fourths of the Norway timber trade was carried on by foreign ships, and the other quarter by British. Even if all British ships were employed in the Norway trade, it would be carried on by one-third of the number of ships employed in the American. If this country wished to retain her colonies, their produce ought to be protected. He did not think the only object to be to procure articles at the cheapest rate possible, because if that were the object the corn laws ought to be repealed, as corn could be purchased at Dantzic at 26*s.* per quarter.

Lord *Althorp* conceived the American timber trade not so beneficial to the inhabitants of Canada as to the ship-owners, because timber was cut down in that country for the purpose of clearing the land. He could not agree with the amendment, because he thought as long as the colonial system was kept up, so long ought protection to be afforded, in such a degree as not to do more hurt than service to the subjects of this country. The right hon. gentleman had said, that Norway being put upon the same footing with Russia might give cause of complaint to the latter; but he could see no reason for complaint on the part of Russia, unless a greater duty were imposed upon her produce than upon that of Norway. The right hon. gentleman had said, that what he (lord A.) had proposed on a former night would benefit Russia; because if the article could not be procured from Norway, it must come from Russia; but the right hon. gentleman forgot that Prussia and Sweden might enter into

competition. He should on some future occasion propose a graduating scale of duties, but at present should do no more than vote against the amendment.

Mr. *Robinson* observed, that the opinions which had been expressed on this question were widely different, and the inference he drew from them all was, that the proposition of his right hon. friend was the best that could be adopted. Our colonies he conceived, ought rather to be considered as an integral part of the kingdom, than as an appendage having only a remote interest in common with the mother country. As to the shipping interest, he trusted parliament and the country would never be so ungrateful as to forget that to it we owed the glory of that navy

" Whose flag had brav'd a thousand years
" The battle and the breeze."

He denied that either their interests, or those of the North American colonies, were compromised by the proposition before the committee. The right hon. gentleman defended the policy of encouraging the importation of timber from Canada, on the ground that a great quantity of it was consumed at present in the manufacturing districts in making packing cases, and in various other uses. With regard to the second branch of the subject—the duty on Baltic timber—he thought the scale of duties proposed by his right hon. friend (Mr. Wallace) was the best that could be suggested. If long Norway deals were to be excluded, by lowering the duty on short deals, there would be no possibility of getting them by any other means than by sawing up logs, which would be a great inconvenience as well as loss to the consumer. It was alleged that this duty would have the effect of throwing all the trade in deals into the hands of Russia; but though the quantity of deals lately imported from Norway had been greatly diminished, that did not seem to have increased the importation from Russia or Prussia; and since this effect had not been produced by the former duty, there was no reason to apprehend it from the new duty.

Mr. *Baring* remarked, that the general principle of political economy which ought to regulate the conduct of a great country, and which should never be deviated from but in cases of urgent necessity, would lead us to purchase an article wherever it could be had of the best quality and at the cheapest price. Of all the nuisances that could infest a new settlement, he looked upon lumber-men as the greatest: they were a set of vagabonds who encouraged every species of profligacy among the agricultural settlers, and were the pests of the colony. Dismissing therefore, the interests of this class of individuals, the colonies in Canada were not particularly interested in the present question. They were rendered independent of the timber trade, and were in fact the most thriving part of America, in consequence of the monopoly they enjoyed of the West India Islands. They did not pay on tea and sugar, and the other produce of the East and West Indies, those duties which were paid in this country; and, therefore, he denied that they were either oppressed or ill-treated. With regard to the advantage of exchanging commodities, he admitted that it would be the same whether the timber trade were transferred or not from Canada to the Baltic, because both markets were equally good consumers of our manufactures. He had no hesitation in saying with the hon. baronet near him (sir H. Parnell), that, as a general principle, a free trade with all the world was the best policy; but at the same time he was aware that circumstances might render a deviation from this liberal principle necessary in particular cases. Some sacrifices of the several interests of the public to those of the ship-owners was necessary; and the only question at issue appeared to be, to what extent this sacrifice should be carried. To continue it at its present extent would be absurd, for it was unquestionably much too great. The increased expense of so material an article as timber, was an important consideration, and the inferiority of the quality was still more important. The question then was, whether the rate of duty proposed by the right hon. gentleman was such a rate as would increase the trade to the Baltic, without destroying that to America. To him (Mr. Baring) it appeared that this would be the effect of the proposition before the committee; and if the duties were to be altered to a greater extent, that change should be made gradually; because when they had created a great interest, like that of the shipping, it was not to be let down all at once. As to the question between Norway and Russia, it was exactly the same as that between Canada and the Baltic; and therefore he should not discuss it at any length. He

should merely observe, that Norway did not consume so much of our manufactures as Russia; and that consideration certainly entitled the latter to a greater degree of favour [Hear, hear!]. The inclination of his mind was, to support the proposition before the committee, as pointing out the rate of duties most likely to answer the end desired. It was surely more safe for the House to abide by the decision of a committee which had examined the subject for weeks together, than to be guided by cursory remarks in the speeches of hon. members.

Mr. *Ricardo* said, he was anxious to deliver his opinion on the present proposition, as it involved a principle of infinitely greater importance than the question immediately under consideration. They had been told that they ought to go to the best and cheapest market, and also that the timber of Norway and Russia was better and cheaper than that of America; and yet they were recommended as a practical measure, to take the worst timber at the dearest rate! His hon. friend (Mr. Bennet), in a speech full of the soundest argument, and as yet totally unanswered by the gentlemen opposite, had shown, in the most convincing manner, that by buying our timber from the northern powers of Europe, we should save 400,000*l*. annually on the purchase of that article, and consequently that we were yearly incurring a debt to that amount, in order to put this money into the pockets of the ship-owners. If a bill were introduced for the specific and avowed purpose of granting a sum to that amount to the ship-owners, he would much rather agree to it than to the resolutions now before the committee, for in that case the capital thus given to them might be more usefully employed. At present it was a total sacrifice of 400,000*l*. a year, as much so as if the ships engaged in the coasting trade should be obliged to sail round the island in order to give employment to a greater number. He was of opinion that, according to the true principles of commerce, it ought to form no part of the consumer's consideration to enter into the distribution by the seller, of the money or labour which he (the consumer) exchanged for any commodity which he wanted. All the consumer had to consider was, where he could get the article he wanted cheapest; whether the payments were to be made in money or in manufactures was matter quite of minor importance. In this, as in all other branches of commercial policy, it was useless to urge partial views in behalf of one set of men or another. That House ought not to look to the right or the left, but consider merely how the people of England, as a body, could best employ their capital and labour. Wrong notions of commercial policy had too long prevailed; and now that the country had begun to recognize sounder principles, the sooner they acted upon them the better. There were exceptions to be made in cases of very old established arrangements; but this American trade was not one of them: was of new date, and mainly sprung out of a quarrel between England and the Baltic powers: it was then said that the latter would withhold her timber, and that the colonial trade must necessarily be encouraged in Canada. What once occurred, might again happen it was said. Well, then, his reply was—if ever it should happen, it would be time enough to pay the high price: at present let more economical arrangements be attempted. It was strange that inconsistency always marked the progress of monopolists. One set of men now called out for this colonial trade in behalf of the shipping interest, and the very same set of men, if they were spoken to about the West India Dock system, would call it partial and oppressive. So, respecting the Irish linen monopoly, it was said, why not be allowed to go to Germany, where the same manufacture might be had cheaper? He certainly concurred in the hon. baronet's view of this question.

Mr. *Marryat* said: — I have listened with great attention to the discussion before the committee, and more particularly to the doctrines of our new school of political economists; but must confess that they have produced very little conviction on my mind. Hitherto ships, colonies, and commerce have been considered as inseparably connected with each other; but, according to the new system, we are to sacrifice our ships and colonies, in order that our commerce may go on the better without them. Whenever these philosophers will illustrate their theory by experimental proof; if, for example, they will take off two legs from a three-legged stool, and make it stand on the remaining one leg more firmly than it before did on all the three, then, but not till then, will I become one of their disciples. Our trade with our own colonies and in our own

ships, we can always call our own, because we hold it independent of the will of foreign powers; but in trusting to a trade with foreign nations we are leaning on a broken reed. Have we already forgotten the continental system, which last war cut us off from all communication with every port in Europe; and the non-intercourse and non-importation acts of the government of the United States, which excluded us from all America? Or do we flatter ourselves that what has been may not again be? If so, we reason in opposition to experience and the evidence of facts, and to the true rule of judging of the future by the past. Have we any reason to believe that the jealousy expressed by foreign powers of our commercial greatness, which they envy, and of our naval power, which they dread, is at all abated? On the contrary, has not increased cause of dissatisfaction been recently given on our part, to the great European potentates, by our declaration to every foreign court, that the principles laid down and acted upon in their attack upon Naples, are repugnant to the fundamental principles of the British constitution? It seems impossible that our good understanding with these powers can long continue, unless they adopt our notions of government, or we adopt theirs, events neither of which are very likely to happen. With such prospects before us, we are called upon, in defiance of every principle of sound policy, and with total disregard to the maintenance of our maritime greatness, to abandon a colonial trade in British ships, in order to encourage a foreign trade in foreign ships, and are desired to trust to the liberality of foreign powers for correspondent advantages in return, as if history was filled with examples of national gratitude; though if such there are they have escaped all my researches, while examples of the ingratitude of nations, for whom we have expended our blood and treasure, abound almost in every page. In order to put us out of conceit with our navigation laws, we are told, that we have not grown great from our restrictive system, but in spite of it. This is a perversion of argument. The prosperity of every nation depends upon the wisdom of its political institutions. Our navigation system has been so long established, that its effects have had ample time to show themselves. Had they been bad, our commerce would long ago have been ruined; but, as they have been good, we have prospered under them, and have risen to the greatest height of commercial prosperity and naval power that ever was attained by any nation. To argue otherwise, is to deny the existence of cause and effect; to shut out the light of experience, and the evidence of facts; and to contradict the highest authorities amongst writers on political economy. Dr. Adam Smith, speaking of the act of Navigation, says, "although some of the provisions of this famous act (as he emphatically terms it) probably originated in a spirit of national animosity, yet they are all as wise as if they had been dictated by the most deliberate wisdom;" and, in a subsequent passage, he adds, "that as defence is of more importance than opulence, the act of navigation is, perhaps, after all, the wisest of all the commercial regulations of England." Another high authority on political subjects, one of our own members, in a treatise on colonial policy that he published some years ago, after agreeing with Dr. Smith that our navigation law is not favourable either to the extent of foreign commerce, or to the growth of that opulence which arises out of it, concludes by saying, that "it is now known only by its good effects." This nation now labours under great pressure, and men who suffer are apt to show their impatience by readily listening to any proposal for a change, without considering whether that change may not be from bad to worse; let us act a wiser part, and not mistake the source of all the prosperity and greatness that yet remain to us, for the cause of the difficulties under which we labour, or we shall aggravate them 'till they become insupportable, and render them irretrievable.—Let us not cut away the sheet anchor, which will enable the vessel to ride out the gale in safety, and leave her to drift at random among the rocks and breakers with which she is surrounded. Having said thus much on general principles, I shall now advert to the particular points before the committee. The motion of the hon. baronet who began this debate, appears to have received so little countenance, that I shall pass it over without any observations. The motion of the noble lord I shall oppose, because it gives additional advantages to the northern powers over the British provinces in North America. Great Britain adopts various rules in regulating her duties on different commodities. Some pay by weight, some by mea-

sure, some by tale, and some *ad valorem*. Deals have always paid by tale, and the noble lord would now assess them in their cubical contents. This I object too, in the first place, because, any sudden or violent alteration of a long established system is always attended with great injury to the interest of individuals, and therefore ought only to be adopted for very strong and urgent reasons. In the next place, the avowed object is, to benefit Norway, who already enjoys more then her share of the deal trade; for her import, on an average of the four years 1816, 1817, 1818, and 1819, was 13,000 out of 40,000 loads, being more than that of any of the northern powers, while that of the British colonies was only 5,500.—The scale of duties proposed in the schedule lowers the duty on Norway deals 1*l.* 15*s.* 8*d.* and raises that on Canada deals 2*l.* per load; a considerable disadvantage to Canada, which, if increased, would drive her deals out of the market altogether; and, therefore, of two evils I shall choose the least. The contiguity of Norway to this country gives her a great advantage over the other Northern powers; the small size of her deals is a disadvantage, according to our mode of levying the duty by tale; but I contend that we have nothing to do with these considerations. On the same grounds we might be called upon to make endless alterations in our existing system. For instance, oranges pay duty by tale; and the inhabitants of the Western Islands might as reasonably complain that their small oranges pay as much duty per thousand as the large oranges from Portugal, and request that in future they should all be measured, and the duty taken according to their cubical contents, as the Norwegians make this application with respect to their deals. This principle applies to a great number of other articles, and would lead to endless remonstrances and difficulties. I persist in the intention of which I gave notice, of moving an amendment to the schedule before the committee, by opposing the intended reduction in the duty on Baltic timber. I do this in conformity to the evidence given before the committee on foreign trade, which uniformly states that this reduction will be attended with no advantage to the British consumer, but lead to an immediate advance in the price of the timber abroad; and some of them declare, that such an advance has already taken place in anticipation. Now, I am not for sacrificing British revenue for the benefit of foreigners, and am much mistaken if the chancellor of the exchequer has any spare duty so to give away, under present circumstances. The great preponderance of the evidence also proves that a duty of 10 shillings per load on timber from the British colonies in North America is as much as the trade can bear; and that a reduction of 10 shillings from the Baltic timber at the same time will be going much too far. This is the opinion of ten witnesses; only four think differently; and four others are against any alteration whatever. I have two sheets of extracts, from their evidence, but content myself with giving this abstract of it, rather than occupy the time of the committee by reading it at length. One of them asks where any duty is to come from? the load of timber, which cost 18 shillings in America, producing only five shillings here; and the freight being so low, from the distress of the ship-owners, that they lose money by every voyage. These considerations will, I trust, induce the committee to support me in this amendment. Before I sit down I wish to notice one or two observations that have been made in the course of this debate. The hon. member for Shrewsbury reproaches those who advocate the cause of the ship-owners with supporting a bad trade carried on in bad ships; and they have also been called rotten ships. In order to show how far they merit these epithets, I have examined Lloyd's register-book, and find that of 434 ships that arrived from Quebec last year, 183 are of the very first class, standing letter A; 249 are of the second class, letter E, (vessels fit to carry any cargo to any part of the world), and only two stand the third letter, I. The truth is, that we have now no rotten ships; and very few old ships; because, as even good ships cannot all find employment, the bad can of course expect none, and therefore are broken up much sooner than usual. For this reason the shipping in use at the present moment is of a superior description to what it was at any former period. The right hon. gentleman who proposed these resolutions stated on a former occasion that we had a great number of superfluous seamen. The data on which he reasoned are just, but the conclusions he drew from them were erroneous. He argued from the comparative tonnage of British shipping

in the year 1792 and 1820, but did not consider that in 1792 every ship was manned and employed, but that at present great numbers are not employed, and consequently not manned, for which he made no allowance in his estimate. I greatly doubt whether we have a single British seaman more now than we had in the year 1792, and think it important to explain this point.

Mr. *T. Wilson* rose to correct a misapprehension under which the hon. member for Shrewsbury laboured. He could assure the hon. gentleman, that though he had an interest in the subject, yet he was as independent as any member in the House. He contended, that the view taken of the subject by the two hon. baronets opposite, was the true view of the subject. He could not agree with the member for Portarlington, that it was a matter of indifference whether the return for foreign timber was made in goods or specie. He had lived long enough to know that a bird in the hand was worth two in the bush, and he should feel disposed to trade with a country which would take his own goods in exchange, rather than demand it in specie.

Mr. F. Lewis supported the amendment; and after a brief reply, from Mr. Wallace, the committee divided four times; viz.

First—On lord Althorp's amendment in favour of Norway deals: Ayes 24. Noes 75.

List of the Minority.

Bennet, hon. H. G.
Browne, Dom.
Burrell, sir W.
Claughton, T.
Denison, W.
Duncannon, visct.
Folkestone, visct.
Gordon, Rt.
Grant, J. P.
Harbord, hon. E.
Hobhouse, J. C.
Hume, J
Lawley, F.
Lewis, F.
Monck, J. B.
Ord, W.
Palmer, C, F.
Parnell, sir H.
Ricardo, D.
Robertson, A.
Townshend, lord C.
Wells, John
Wyvill, M.

TELLER.
Althorp, viscount.

Second—On Mr. Marryat's amendment, against reducing the duty on foreign timber: Ayes 17. Noes 71.

Third—On sir M. W. Ridley's motion to reduce the proposed duty on Colonial timber from 10*s*. to 5*s*. per load; and to take off only 5*s*. per load from the foreign duty: Ayes 15. Noes 70.

Fourth—On sir H. Parnell's motion to equalize all the duties at the end of five years: Ayes 15. Noes 54.

List of the Minority.

Astell, Wm.
Bennet, hon. H. G.
Browne, Dom.
Burrell, Walter
Buxton, T.
Claughton, T.
Denison, W.
Duncannon, visct.
Folkestone, visct.
Gordon, R.
Hume, J.
Hobhouse, J. C.
Monck, J. B.
Ricardo, D.
Wyvill, M.

TELLER.
Parnell, sir H.

HOUSE OF COMMONS.

Friday, April 6.

NEWINGTON SELECT VESTRY BILL COMMITTEE.] Sir *R. Wilson* addressed the Chair on the subject of some most disorderly and irregular conduct which had taken place that morning in a committee up stairs appointed by the House. The House would remember the circumstances under which the present committee on the Newington select Vestry Bill was appointed. It had been the opinion of the last committee on that bill, that the preamble of the bill was not true, in consequence of some of the standing orders of that House not having been complied with. Upon receiving this report, the House was induced to appoint a special committee, to examine whether the standing orders alluded to had been infringed or not. That special committee having reported that the said orders had been sufficiently complied with, the House again appointed a committee on the bill, with power to send for persons, papers, and records. This was the history of the transaction up to that day, when on the assembling of the committee, his hon. friend, the member for the Borough, thought fit to make a proposition to send for the report of the special committee, which motion was carried by a decided majority; but, notwithstanding that, the chairman (Mr. H. Sumner) was the means of preventing the decision of the committee from being carried into effect. Under these circumstances, he (sir R. Wilson) moved an adjournment, in order that they might have the benefit of the Speaker's advice; for their exclusion from sending for the report by which they were authorised to sit, appeared to him to be a gross violation of justice, and of the orders of the House. That question was carried in the negative, and thus they saw themselves deprived of the means of ascertaining the extent of the powers with which they were invested. He

was aware that great disorder prevailed in the committee; but he begged to ask who were the cause and origin of it? Those undoubtedly who refused to send for the papers demanded by the committee in the first place, and then opposed a reasonable proposition to refer the question at issue to the Speaker. He was confident the House would bear out the decision of the committee, by ordering the paper in question to be referred to it. For these reasons he should move "That the report made by the committee on the standing orders, with respect to the Newington select Vestry Bill committee, be referred to the said committee."

Mr. *Sumner* said, that in the committee that day a proceeding had been resorted to, which was one of the most extraordinary, and, in its consequences, the most important that could occur, so far as it affected the course of proceeding before a committee up stairs. To the present motion he had not the slightest objection, but in an hour he would call the attention of the House to the other part of the proceedings which had occurred in the committee.

The motion was agreed to. After which,

Mr. *Hume* said, that having attended the committee, of which the hon. member who spoke last was chairman, he felt it necessary shortly to detail the circumstances which took place there. The committee was very fully attended, there being 50 members present; a question was put whether the report of a former committee should be read for the information of the members. The hon. chairman, without waiting for an opinion on either side, opposed the motion; the question being put, the committee proceeded to a division, and a majority was declared to be against the motion. A motion was then made for an adjournment, in order that time might be afforded to ascertain the sense of the House; and on the question being put, three hon. members who stood at the door having made their appearance, the chairman insisted that they should not be allowed to vote. One of the hon. members said, that they had a right to vote, because the question was improperly and irregularly put before strangers had withdrawn, and therefore the chairman had no right to profit by his own irregularity; they therefore desired that the question should be put again. This, the hon. chairman would not listen to; he insisted that he was right, and that the members of the committee were wrong. This decision produced much confusion. The hon chairman, with that suavity of temper, that mild forbearance—and perfect command over himself, for which he was so remarkable, having insisted that none of the three members should vote, another division took place on the question of adjournment—a noble lord, the member for Westmorland, and his hon. friend (Mr. Bennet) were tellers; the tellers agreed on the number; but when the report of the numbers was handed by the clerk to the chairman, the hon. member threw the paper out of his hand, saying, "I will not read it;" an altercation then arose, during which his hon. friend (Mr. Bennet) very properly refused to report a second time, and the chairman persisted in conduct as little conciliating as he ever saw from any man in any situation. Language on both sides passed which was extremely intemperate; but all that occurred was occasioned by the want of temperance, and the irregular conduct of the hon. chairman. The hon. gentleman concluded by moving, "That the conduct of H. Sumner, esq. member for Surrey, was intemperate and irregular, whilst presiding as chairman of a committee on the Newington Vestry Bill, and that such intemperate and irregular conduct had led to much riot and disorder in the said committee."

Mr. *Wynn* remarked upon the anomaly of calling upon the House to pass an opinion upon a subject of which they could know nothing. If the motion were entertained, the House would be occupied in hearing contradictory statements which could lead to no satisfactory conclusion.

Mr. *Hume* declared his readiness to withdraw or delay his motion.

The *Speaker* pointed out the inconvenient shape of the motion. If the question for the consideration of the House were some abstract point as to the duties of chairman of a committee, under any supposed circumstances, there would be no difficulty in the House entertaining it. But when the question was a charge against an individual for his personal conduct in the discharge of the duties of his situation generally, he did not see how the House could make their way clearly through it. At all events, if a proposition of that nature were to be entertained, it would be necessary to have the Minutes of the committee in question.

Sir *J. Mackintosh* animadverted upon the conduct of the chairman of the committee, who ought, he thought, to have furnished rather than withheld any information which might be deemed necessary for the understanding of the committee. For the chairman, without any instructions from the committee, to have given notice of a motion of a criminatory nature against any of its members, did certainly appear to him not a little extraordinary. To say the least of it, it was very unusual. It was, in point of discretion, a very ambiguous act, and seemed to show, on the part of the chairman, a remarkable deviation from prudence. It appeared to have led to great intemperance and irregularity; and though the chairman might have been happily exempt from that impatience and irritability of temper which so unfortunately prevailed in the committee [a laugh], yet still it was imprudent of him, who should have stood impartially between all parties, to have, in the heat of the confusion, given notice of a criminatory proceeding against any of the members of the committee. There was one thing quite clear—that in the present temper of members at all sides, this business could not be investigated as calmly as it ought: he should therefore suggest to the hon. member to withdraw his notice of motion, and let the other party, whose conduct was purely defensive, do the same. The sooner the whole matter were dropped the better.

Mr. *Sumner* said, he did not use the term "criminatory" in his notice, which was merely intended to show that the orders of the House had been contravened by members in the committee. He thought the subject was of great importance, and ought to be thoroughly investigated. He was either prepared to proceed with his motion as chairman of the committee, or with his defence in reply to the hon. member opposite.

Mr. *Wynn* recommended that the matter should be allowed to drop.

Mr. *Denison* agreed in the recommendation.

Mr. *Sumner* could not consent to flinch from the exposition of the whole transaction, after the language used by hon. gentlemen opposite.

Mr. *Bennet* said, that as he was one of the parties, he could not, if the inquiry were to be proceeded upon at all, consent to one hour's delay. He was most ready to admit, that great heats and animosities had arisen in the committee. He was still ready on Monday to forget them all, and go into the committee to discuss the bill coolly and dispassionately. He assured the House that they would derive little further information as to the cause of difference by postponing the question; for, whenever it came on, the House would find 25 gentlemen on each side flatly contradicting each other, It would be quite as well that the whole matter should be now postponed *sine die.*

The *Speaker* was of opinion, that no party would compromise his feelings by a delay that should conduce to mutual conciliation. With reference to the forms to be observed in committees, they ought to correspond in most instances with the forms of the House itself. No member was entitled to vote in either who had not heard the question put, the question was generally put whilst strangers were withdrawing; but it did not follow that because a member came in whilst strangers were withdrawing, he was on that account entitled to vote, for he might not have heard the question. As to the receiving the numbers of the division, there could be no question but that they must be received when the tellers agreed upon them. Suppose an error to be made by the clerk in setting down the numbers; suppose that he transferred the numbers from one side to another; it must appear quite obvious in that case, that the reference must be immediately made to the tellers, and the moment they had decided, the error must be rectified by the clerk. The clerk was not the teller of the committee. He hoped the House would not be displeased at the statement he had made on this subject. He did not know but that he had gone farther than he ought to have done; but he had proceeded from a conviction on his own mind, and he believed on the mind of the House generally, that the most perfect confidence was, in the outset, placed in the judgment of those to whom the proceedings of committees were intrusted; that in the second place, if they had misjudged, the House would lend its assistance to rectify the error, without casting an insinuation on any party; and, thirdly, that if any of the points to which he had adverted had operated, either in part or entirely, to produce this disappointment in the committee, the House would perceive, if they concurred with him in any of those points, the necessity of having a

fair and temperate decision. They would concur with him in the propriety of arriving at a temperate judgment on the abstract points, without any personal leaning on one side or the other.

Here the matter dropped.

METROPOLIS ROADS BILL.] Mr. *D. Gilbert*, in rising to move the second reading of the Metropolis Roads bill, went into a history of the modes of defraying the expence of the maintenance of roads, which had prevailed in this and other countries. He approved of the system of supporting the roads by tolls on them, as well as of the management by trusts, but the vice into which this system fell, was the minute sub-division, by which economy in procuring the materials, and the employment of scientific aid was rendered impracticable. He urged the benefits which would arise from the present bill, which would remedy these inconveniences, while it retained the advantages of the toll and trust system.

Sir *E. Knatchbull* spoke against the measure, which he conceived quite unnecessary, from the improved state of the roads in the vicinity of the metropolis. He therefore moved, that the bill should be read a second time on that day six months.

Mr. *Denison* seconded the amendment, deprecating any attempt to cast a reflection upon those at present invested with the several trusts in the neighbourhood of the metropolis, by whom the roads were kept in the best possible state.

Mr. *Curwen* regarded the bill as one of the most extraordinary measures that had ever come before the House. He was of opinion that the hon. gentleman who brought it forward had been imposed upon by false information with respect to the trusts of the several roads.

Mr. *F. Lewis* hoped the bill would not be disposed of, in the summary manner recommended by the amendment. The magnitude of the sums collected by the several courts made it imperative upon the House to take the business into their own hands.

Mr. *Calcraft* said, he could not help stating that the trustees considered this measure as a bill of indictment against them. Out of between fifty and sixty trusts, the holders of at least thirty had petitioned against it. He could see no reason whatever for extending the provisions of the bill to those larger trusts, of the execution of which no complaint had been heard, and against which there was no charge of corruption or improper conduct,

Sir *H. Parnell* thought the bill was rendered necessary, both by an excess of expenditure, and a total want of science evinced in the execution of the present trusts. The roads might be kept in excellent condition for one half of the tolls now collected.

Mr. *Sumner* was of opinion that after the committee had sat two years, and had at length brought forward a mature plan, it would be extremely ungracious to shut the door upon it at once. Although he did not approve of it, yet he should vote for the second reading, with a view of subsequently moving for its being referred to a committee up stairs.

The House divided: Ayes 83. Noes 16. The bill was then read a second time.

MOTION RESPECTING COMMITTEES OF SUPPLY.] The Chancellor of the Exchequer having moved the order of the day, for going into a Committee of Supply,

Mr. *Creevey* rose to oppose the motion. The course which he was about to take might not, be said, be very agreeable to the right hon. gentleman opposite or to the House, but he felt it necessary, in the discharge of his public duty, to oppose the motion for going into a committee of Supply. Instead of going on, he thought it was the duty of the House to retrace its steps. There had been supplies enough voted; and what good had been hitherto effected? Notwithstanding all the petitions from all parts of the kingdom, complaining of the greatest distresses, and praying for the strictest economical reform, the House had still gone on voting away millions of money, and all the labours of his hon. friend the member for Aberdeen (Mr. Hume) had not produced the diminution of one single farthing in the public expenditure. Under these circumstances, nothing could induce him, as far as his vote or influence in that House went, to go again into a committee of supply. The members of that House had been called the trustees of the people, but they differed from all other trustees, for they themselves lived upon the profits of the estate. When the affairs of a private gentleman were deranged,

the first thing his trustees did was, to cut off all needless expenses, and to discharge all the useless dependents and hangers-on. But here the trustees of the people were themselves the useless servants and hangers-on. He had often thought that as the people of England found it was of no use to petition that House, it would be a good thing, and certainly an entertaining one, to see them represented by delegates at the bar of the House. What would be the natural language of delegates so sent to assert the rights of the people? They would say, "We are come here to talk to you, and we are bold to say, that we entertain a shrewd suspicion that you make a very good thing of us. We are aware that there are snug places to the amount of 150,000*l.* a year, which you enjoy, and which you will never consent to forego to relieve the distresses of the people. This may be a very pleasant arrangement for you, but it is no laughing matter for us." Such was the language which the delegates of the people would naturally use. Supposing the people to be so represented, he should like to have seen their delegates in the House during the last ten days. When his hon. friend the member for Essex obtained leave, about a fortnight ago, to bring in a bill for the repeal of the malt-tax, this was considered a great triumph—it was hailed as the beginning of better times. But he should never forget, and the people of England would never forget, the language of the noble lord who was manager of the trustees. "Do not triumph too soon," said the noble manager, "do not halloo before you are out of the wood." The noble lord, however, had made good his threat, he had brought up the trustees of the people from all parts of the country, and his hon. friend's majority of 25 was converted into a majority of 98 against him. This fact spoke volumes; but it was not all; a noble lord, a great northern grandee, the thane of Cawdor, had fallen a victim to his honest vote; he had lost 800*l.* a year by it. This was a direct attack upon the privileges of parliament, What had become of the hon. member for Yorkshire (Mr. S. Wortley)? Where was that redoubted champion of privilege the member for Montgomery (Mr. Wynn)? The printer of some poor paragraph against the House would instantly have been laid by the heels by them for a breach of privilege; but let the Crown make the grossest attack on the rights of parliament, and they were dumb and submissive. Was not this enough to make a man sick of the word privilege and much more sick of its champions? In the reign of Elizabeth, sir John Fortescue, on an occasion somewhat of this kind, replied to an objection to supply—"All is the queen's by right:" and it might be now asserted that "all is the king's by force:" yet there was much more decency in parliament even in the reign of Elizabeth than now [Cheers from the ministerial benches.] That was rather an interested shout: it was very easy to know from whom it came. It was an historical fact, however, that sir John was treated very roughly for his assertion; the house coughed loudly, and finally smothered his voice in an indignant and continued hoot. Yet, then, it possessed such men as sir Walter Raleigh and sir F. Bacon, and then no man had ventured to tell the people "not to halloo before they were out of the wood." He had drawn up a resolution on the subject expressive of his sentiments, and which he submitted for adoption, though without much hopes of success. The hon. gentleman concluded by moving the following Resolution, by way of amendment.

"That during the present session of parliament, petitions have been presented to this House from every part of this kingdom, and from every description of its population, containing statements of distress hitherto unheard of in this nation, and uniformly demanding, as one species of relief to their sufferings, the strictest possible economy in the expenditure of the public money; that the statements so made, have, in every instance, been fully confirmed by the local information of the different members of this House, who have presented such petitions; and yet, notwithstanding such universal applications for relief, the different Estimates for the public service for the year have hitherto been proceeded in, and millions of money voted for such purposes, without any the least possible reduction whatever by this House, although repeated efforts have been made to effect the same:—That this House entertains the strongest possible opinion, that this marked indifference of the representative body to the sufferings of its constituents, is mainly attributable to the following fact, viz. That a very numerous body of the members of this House derive for themselves, their families, connexions, and dependents, large pecuniary provisions from the taxes

of the people; and as such provisions for the most part are made either for offices altogether useless or grossly overpaid, and therefore the fittest objects for immediate extinction or reduction, so the holders or disposers of them in this House have a direct personal interest in resisting every species of economical reform whatsoever:—That, in addition to this great permanent bar to all economical reform, the House has lately witnessed, with the greatest indignation, the influence of the Crown displayed by its ministers in this House in a manner the most arbitrary, and with the express and avowed object of interfering with its members in the discharge of their duty to their constituents; the earl of Fife, who lately held the office of one of the lords of the bed-chamber to his majesty, having recently declared in his place in this House, as one of its members, that he had been dismissed from his office as lord of the bed-chamber to his majesty, in consequence of having voted in this House in favour of a bill to repeal a tax upon malt:

"That, under all these circumstances, this House is of opinion it will better consult its own honour and the interest of the public, by immediately inquiring into the facts before mentioned, than in going any longer into Committees of Supply to vote away the money of the people without the slightest possible prospect of relief to the country."

Mr. *Hobhousse* rose to second the motion. Nothing could be more constitutional than the course pursued by his hon. friend. It was not necessary to go back for precedents so far as the reign of queen Elizabeth; for, in the early part of the reign of Charles 1st, before the struggles between that monarch and the parliament, sir T. Wentworth, afterwards lord Strafford, moved a resolution in that House, that supply and grievances should go hand in hand. The individual who adopted this sentiment was a man of the first rank and talent in the country, and not liable to the imputation of being a heated enthusiast. In the parliament, called the Pension Parliament, the attention of the House was called to what was then considered an extraordinary fact, that 2,400,000*l.* were voted in 24 hours; but that House was grown familiar with instances in which much larger sums were voted away in 24 hours. He did not state this from any wish to exaggerate the grievances of which the people had reason to complain, and he begged to call the attention of the House to a declaration of lord Grenville in the other House of Parliament in 1816, "that if parliament continued to support the keeping up of a large standing army, and to lavish the public money as they did, he would not trouble himself to take a part in debates which he could regard as nothing less than a farce." In the time of the Pension Parliament 24 members were posted as individuals who received pensions from the Crown. Now he, on a recent division, had himself counted no fewer than 47 pensioners in a very small majority. Such was the difference in this respect between the present parliament and the notorious Pension Parliament, the measures of which were denounced by Andrew Marvel as calculated to leave neither liberty nor property in the country. As to the dismissal of lord Fife from his office of lord of the bed-chamber, in consequence of the vote which he gave in that House, it was a measure taken in direct opposition to the spirit of the constitution, and in violation of the Bill of Rights, which declared, that freedom of speech in debates or proceedings in parliament ought not to be impeached or questioned. If the speech of a member of that House could not be questioned, still less ought his vote to be made the subject of animadversion; and if the ministers of the Crown could not get up in their places, and deny the charge, he had no hesitation in saying, that they were liable to impeachment for their conduct.—The hon. member then proceeded to observe upon the operation which the influence of the Crown had in that House, which had been growing up for many reigns, and threatened to overlay all public spirit, and utterly destroy the efficiency of parliament as the organ of the national will. On this subject, he quoted a passage from a famous pamphlet on Hush-money,* published in the reign of William 3rd, which complained of the manner in which the House was officered, the effect produced upon its suffrages by emolument and expectancy, the deceptions practised upon honest, mistaken country gentlemen, and other consequences of influence which enabled the king to baffle any bill, quash any complaint of grievance, and carry any measure that the administration might think expe-

* See this pamphlet in the New Parliamentary History, Vol. 5, Appendix, No. IX.

dient. It stated, that 200,000*l.* had been employed for these purposes, to influence the votes of members by gratuities to themselves and relatives. But what was the case now? Why 150,000*l.* a year was devoted to the same purpose, and raised upon the people to be divided among those who were to vote against the people's interests; it was impossible that such distribution of the public money should not have a bias on the minds of those who enjoyed it. He hoped the House would consider seriously of the resolutions before them: he was certain that his hon. friend had not proposed them as any impediment to the public business, but strictly to remind the House of what were its duties, and what the people expected from them.

Mr. *Calcraft* alluded to the statement made in the House by the earl of Fife, with respect to his removal from office. He contended, that the noble earl stated the ground of his dismissal was, the vote which he gave for the repeal of the malt tax. He understood it to be so; and was sorry the words had not been taken down. He agreed with most parts of the resolution of his hon. friend. It could not be doubted that in the present session, the petitions of the people had been totally disregarded. It was equally true that nothing like economy had been attended to in the estimates. It could not be denied either, that establishments were kept up much larger than circumstances could justify. He likewise agreed, that the influence of the Crown in that House was too mighty and too powerful, to allow any real effect to the representation of the people. But he could not agree with that part of the proposition which went in a sweeping way to deprecate the representation of the executive offices of government in that House. He was of opinion that those offices ought to be represented there, and he did not think the public officers too highly paid. However, although he could not agree with that part of the proposition, he could not withhold his assent to the proposition in general.

Lord *Castlereagh* said, he did not consider that he should perform his duty, if he suffered himself to be led into a debate by the motion of the hon. member which seemed to bring back almost all the subjects which had already occupied the attention of the House this session. This species of opposition seemed to be a duty imposed upon that hon. member, and it was the more singular coming from him, as he believed, during the discussion of all the estimates hitherto, the hon. member had never pointed out any one item as too large, or proposed any specific reduction. His business, on the other side, seemed to be confined to that of protestor-general against the measures of government, and libeller-general of parliament. The hon. member had got up this prologue to the committee of supply in such a manner, and had attempted to support it by such comical arguments, that he (lord C.) had determined not to offer a word on the subject. He had not made this determination from any personal feeling to the hon. member. The hon. member had held a situation in the Board of Control, and no doubt had there discharged the duties of his office faithfully; but it was a little worthy of remark, that while the hon. member held that situation, he had never considered it his duty to complain of the influence of the Crown in that House. Not a word on the subject was heard from him during that time; but ever since he had been out of office, he had taken up his present plan and new occupation—in the exercise of which he wished he might long continue. He had come now, for the third time, with his plan against going into the committee of supply. After long preparation he had brought out his prologue to the committee, with little variation from his former ones; but it would not induce him (lord C.) to appear on the stage; nor would he have offered a word on the subject, but for a charge which seemed to be made against himself in the speech of another hon. member, as if he had done something against the privileges of that House. He, however, would not admit, that he was bound to offer any explanation on the subject alluded to. It was, he maintained, the prerogative of the Crown to dismiss its servants at pleasure; and he, as a minister of the Crown in that House, could no more be called upon to explain such dismissal, than he could be to account for the appointment of an individual to office by the Crown. He thought that such a charge as this came with a bad grace from hon. members on the other side of the House. They should be the last to make any such charge, in which must be inculpated some of their most distinguished friends, of whose services the country had been deprived at a time of great public danger, because they

would not accept office unless they got with it the appointment of the officers of his majesty's household, alleging, as they did, that the want of such patronage would go to show that they had not the full confidence of the sovereign. He did not mean to blame them for that determination, as he considered such appointments to be the legitimate patronage of ministerial office; but he thought that such being the doctrine of that school of which the hon. member (Mr. Calcraft) was so able a disciple, any argument against the principle came with a bad grace from him. He must then, protest against being called upon to explain any dismissal from office, when such was merely the exercise of the undisputed prerogative of the Crown. The hon. member would not say that ministers were bound to advise the continuance in office under the government of parties who pulled different ways. [Hear.] He would not pretend to support the doctrine, that an administration could be effective where this principle was admitted. The noble lord (Fife) himself had spoken in the House of his dismissal, and had given reasons for it; but he had only put those reasons hypothetically, and had not directly asserted that it was for his vote. Now, though he did not admit that the dismissal of the noble lord had taken place in consequence of any vote of his in that House, yet he would never admit that ministers had not a right to expect that all who held particular situations under the Crown should be agreed with them in general principles. He did not mean to say that the question of the malt tax was in itself one of paramount importance; but it formed a part of those measures upon which ministers had staked their official existence; as they had declared that they could not continue to administer the government of the country, if such measures were carried as would oblige them to break faith with the public creditor; and any man who voted for the abolition of such a tax was in fact voting for the dismissal of ministers. Taking every view of the circumstance, he could not see that he was called upon to offer any explanation on the subject.

Mr. *Calcraft* said, he had not complained of the removal of lord Fife, but of the cause assigned for the noble earl's having been removed.

Mr. *Tierney* said, he was never more surprised than when he heard the present resolution submitted to the House. He thought when he came down to the House that night, that they were going at once into the consideration of the estimates. He had thought so, because the industry of an hon. friend of his had brought such details before the House, that it would be enabled to go into those estimates with greater facility than it had ever done before. Instead of which he found a motion embracing a variety of topics, upon which he was called upon to vote without the least consideration. He might not possibly object to the contents of that resolution in detail; but to be called upon to vote for it altogether, under such circumstances, was more than he deemed consistent with his duty. He would agree with his hon. friend, that petitions had been presented to the House from all parts of the country, complaining of distress, and praying for relief, and that these petitions had not met with the success to which they were entitled. He admitted that there had not been that economy in any branch of our expenditure which the people and the situation of the country had called for. So far he would agree with the resolution of his hon. friend. He would support any reasonable proposition, as far as he could: and indeed he had laid himself open to the charge of giving his support to some matters, which in the opinion of many were not reasonable. He thought that strict economy ought to be attended to; for he was convinced that no set of ministers would deserve the confidence of the country, who did not seriously set about the work of economy and retrenchment, But along with these subjects came that of lord Fife. Now, how could he make up his mind upon this subject; He was not in the House when that noble lord made the statement alluded to. He found no mention of it on the votes, as the words were not taken down. He had nothing before him but unsupported assertion on one side met by assertion on the other. How then could he vote on such a question? If the noble lord had complained to the House of a breach of privilege in having been deprived of his office in consequence of his vote upon a particular question then there would be a ground for discussion. But it was said that the noble lord opposite had given no explanation on the subject. Really, he did not know how government could be called upon at present to give any expla-

nation. If it were clearly made out that the dismissal had been in consequence of his vote, there would be ground not only for complaint, but impeachment; but no such charge was here made. The noble lord opposite had, in the course of his speech, alluded to some of his (Mr. T's.) friends who had refused to take office unless they got also the appointment of the offices in his majesty's household. If the noble lord meant this as an explanation or justification of any thing which had recently occurred, he was entirely mistaken. The two cases were as different as light and darkness. It was true that the individuals alluded to, had refused to take office on the ground mentioned, and for this reason that, if they had not such appointments, there would be two jarring interests in that House—one of the Crown, and the other of the members of government—giving rise to an inconvenience which the noble lord himself must admit. If the noble lord could show that those individuals had refused to take office unless they were allowed to dismiss all those in office who should vote against them, the case would be quite different; but no such thing was contended, or could be shown; and therefore there was no analogy in the case whatsoever. The noble lord had alluded to his hon. friend not having the same view of the power and influence of the Crown when he himself held office; but surely the noble lord would not contend, that because a member once held office, he was never after to open his mouth in favour of any reduction of expense, when the country was in circumstances which called for such reduction? He hoped his hon. friend would withdraw his resolution, and bring on the subjects to which it referred in detail; as they now stood, he could not give them his support.

Mr. *Bennet* contended, that the mode adopted by his hon. friend was consistent with the sound constitutional practice of our ancestors, who spoke of grievances before they consented to any vote of supply. Could any man deny that it was the corrupt influence of the Crown which contributed to the majorities in that House? The reason was, that so many in that House held offices under the Crown. He did not allude to the way in which the members of that House were returned; that was another question; but to the way in which they were paid. That it was which occasioned the great grievances which were felt. But for the way that members were paid, such estimates as had been submitted to that House would never have been passed. With respect to the manner of dismissing lord Fife, the noble lord opposite admitted and justified it. The earl of Fife had stated, that he had been turned out of office for the vote he had given, and that he had it from the highest authority that his dismissal had been a punishment to himself and an example to others. Now, what offence had the noble earl committed? The people of Scotland had suffered in the severest manner from the operation of the tax on malt; and the noble earl, from an honourable feeling of humanity and moral sympathy, had felt it his duty to lend his aid to remove such a pernicious law. He hoped his hon. friend would press his motion to a division. He was anxious to have his vote given in support of it.

Lord *A. Hamilton* said, that what he understood with respect to the statement made by lord Fife was, not that the giving of his vote against the Malt-tax was the ground of that dismissal, but merely that his impression was so; he therefore could not agree to a resolution, one part of which he conceived not to be consistent with the fact. Without meaning any disrespect to lord Fife's successor, he should like to ask what degree of credit and character would attach to that successor's votes in that House? Would it not be considered by the country, that he held his office by the tenure of supporting all the measures which his majesty's government might choose to recommend? The noble lord urged the House to have recourse, in the present embarrassed state of the country, to every possible reduction in the public expenditure, and more especially in the military part of it. On this subject, the country was extremely indebted to the hon. member for Aberdeen, who, notwithstanding the taunts of the noble lord opposite, had proved himself to be a most industrious, diligent, and valuable member.

Mr. *Creevey* said, that in the resolution he had merely stated the fact, that lord Fife had declared in his place, that he was dismissed from his office for the vote he had given.

The question being put, "That the word proposed to be left out stand part of the question;" the House divided: Ayes, 120. Noes, 36. Majority against Mr. Creevey's motion; 84.

List of the Minority.

Barrett, S. B. M.	Milton, lord
Bennet, hon. H. G.	Monck, T. B.
Benyon, B.	Nugent, lord
Bernal, R.	Palmer, C. F.
Bury, lord	Parnell, sir H.
Calcraft, J.	Philips, G. jun.
Chaloner, R.	Ricardo, D.
Crompton, J.	Rickford, W.
Davies, col.	Robinson, sir G.
Denison, W. J.	Sefton, lord
Fergusson, sir R. C.	Smith, J.
Graham, S.	Stuart, lord J.
Harbord, hon. E.	Western, C. C.
Heron, sir R.	Whitbread, S. C.
Honywood, W.	Wilson, sir R.
Hume, J.	Wyvill, M.
James, W.	TELLERS.
Johnson, col.	Creevey, T.
Lushington, Dr.	Hobhouse, J. C.
Martin, T.	

The question being then put, "That Mr. Speaker do now leave the Chair,"

Mr. *Hume* expressed his regret at the division that had taken place among the gentlemen near him, on the late question. He regretted to see hon. gentlemen, who agreed on a main fact, differ on the words in which that fact was described. It was difficult to couch a motion in terms palatable to two hundred hon. gentlemen: many of whom were, perhaps, anxious to find out a justification for not voting for it. Notwithstanding all that had passed, however, he was about to submit to the House a motion from which he challenged any hon. member to withhold his consent, who regarded his own character, and the interest of the country. Adverting to the civil department of the army, he intreated the House to look at the increase that had taken place in that department. In 1792, the expense of the civil department of the army was 44,900*l.* at present it was 133,000*l.* being an increase of 88,000*l.* When it was considered that this increase took place in the seventh year of peace, and when the distress which the country was suffering was taken into the account, this fact was monstrous. Until the House pledged itself to revise the establishments of the state, and to adopt a principle of economy, wherever that principle could be adopted, he would make motions from day to day to compel it to that issue. For the present occasion he had selected from the Sixth Finance Report, a recommendation, which he meant to move should be referred to the committee. That Report he begged leave to observe, although drawn up either by the chancellor of the exchequer, or with his concurrence, and although recommending various important considerations connected with the army, the navy, and the ordnance, had remained on the table of the House for four years, a dead letter. His motion would be,

"That it be an instruction to the committee to take into consideration the recommendation of the Committee of Finance to this House, in their Sixth Report, contained in the following terms:—'What your committee therefore 'earnestly recommend is this, that the 'lords of the treasury should call for a 'return of the present establishments of 'all the civil offices in the state, the 'salaries of which have been increased 'within the last fifteen years; and, with a 'reference to the circumstances now 'stated, and such other considerations as 'the altered situation of the country and 'the peculiar nature of each establish-'ment may suggest, that they should 'make a revision of the same, and direct 'such prospective reductions therein as 'may appear to them reasonable, without 'impairing the efficiency of the service:' —Your committee trust, that the observations which they have submitted to the House, in this and their former reports, are sufficient to show the expediency of this revision: it is not their intention to pursue the subject further at present, except to remark, that the system adopted of late years in some, and now extended to most of the public offices, of a progressive increase of salary by reason of length of services, if not in all cases objectionable in principle, is at least liable to great abuse in practice:—The several scales which have hitherto come under the view of your Committee vary so much, both as to the length and periods of service which shall confer the first and each successive addition of salary, and the proportions which such additions bear to the original salary, that your committee feel convinced the whole arrangement has grown to its present extent without any well-matured plan, or sufficient consideration of the consequences. One proof of this they have already had occasion to advert to in their report on the Ordnance department, in which this practice has been carried to the greatest length, and applied to classes (such as messengers, barrack masters, and others) not entitled to the benefit of it in any

other department. As a general measure, it appears liable to the great objection, under the present circumstances of the country, of having placed beyond the control of government, at least without an interference not wholly consistent perhaps with the equitable claims of the parties, the continual increase of official remuneration, when those circumstances would require that all such increase should cease:—Your committee would therefore recommend, first, that the system of gratuity, or progressive increase of salary for length of service, should be suspended altogether, with the exception which they have already stated; and perhaps, also, with the further exception, prospectively, of an addition, not exceeding 20 per cent on the original salary, being allowed to any established clerk in the junior or lowest class of any office, who might have served seven years to the satisfaction of his superior officer, without having, during that period, obtained any step of promotion."

Lord *A. Hamilton* seconded the motion. Though he might have wished the instruction to the committee to have been put in a more condensed shape, his hon. friend had perhaps done right in not condensing it, considering the very high quarter from which the recommendation to economy and reduction came.

The *Chancellor of the Exchequer* observed, that the strictest attention had been paid by government to the reports of the finance committee. Reductions to a considerable extent had been made in every branch of the public expenditure, and further and more important reductions were in contemplation. The right hon. gentleman pointed out the great hardship which would arise to individuals, as well as the injury which the public service would sustain, from an ill digested and sweeping reduction. He could assure the House, that his majesty's government were most anxious to carry the recommendation of the committee into effect, as far as was consistent with the public interests. The House must at the same time see, that the clerks employed in the higher offices of government, being men of talent and education, were entitled to a more liberal allowance than common clerks. Much evil would arise if persons of a different description were employed in those confidential offices. An unfaithful or negligent clerk might, either from carelessness or from mal-practices, cause more mischief than any reduction to be made in those offices could compensate for.

Sir *J. Newport*, adverting to the office of barrack-master-general for Ireland, observed, that it appeared from a report of the committee of 1810 or 1811, that there was a considerable deficiency in the accounts of lord Tyrawly.

Mr. *D. Browne* defended the character of lord Tyrawly. The noble lord had fully cleared himself from the charge which had been made against him.

Sir *J. Newport* meant to cast no imputation upon the character of lord Tyrawly: he had only stated a fact which appeared from the report of the committee.

Mr. *W. Pole* said, that the circumstance alluded to respecting lord Tyrawly occurred while he (Mr. Pole) was in office in Ireland. It was found, that not that noble lord, but some persons under him were unwilling to send in their accounts. He was, however, happy to state, that lord Tyrawly had, since that period, made up his accounts much to his honour, and that there was a balance in his favour.

Mr. *Ellice* expresed a hope that some measure would be introduced to amend the Superannuation bill. The provisions of that bill were an enormous charge to the country. Every one must be struck with the enormous disproportion between the allowance of 2,000*l.* a year as a retirement to a barrack-master-general, and the salary of only 2,500*l.* which the chancellor of the exchequer received for discharging the arduous duties of his office.

Mr. *Huskisson* suggested, that instead of the present long resolution, it would be better to refer the whole report to the consideration of the committee. Having been a member of the committee which made that report, he cordially concurred in the recommendation which it contained, and thought it the duty of the Treasury to carry it into effect as speedily as possible. He also agreed with those who thought that the 50th of the late king, which regulated the amount of allowances for compensation and superannuation, required some alteration in the present situation of the country.

Mr. Hume withdrew his amendment, and the sixth report of the commissioners of naval inquiry, presented to the House on the 2nd of May 1804, was referred to the committee.

Army Estimates.] The House having resolved itself into a committee of supply,

Lord *Palmerston* moved, "That 50,418*l.* 16*s.* 8*d.* be granted for the charges and allowances of the office of Secretary at War for the present year."

Colonel *Davies* observed, that during the war, when the duties of this office were ten times greater than at present, the expense was only one half of what it now cost the country. In 1806 the expense of the War office was only 25,000*l.*, and now, in 1821, it was 50,000*l.* It was true that since 1806, a new office for arrears of accounts had been created with the principle of which he did not quarrel: the expense of this office was 12,655*l.*, which, added to the charge of 1806, made a total of 37,655*l.* There then remained a difference of 13,000*l.*, for which he was at a loss to account. He could not see the propriety of raising the salaries of all the clerks to their present amount; and while a general officer had only 400*l.* a year, it was difficult to conceive why one of those clerks should receive 1,400*l.* The savings effected by the examination of accounts in arrear would never, he thought, cover the expense to which that examination put the country. It was said that 104,000*l.* had been recovered by the different agents and paymasters, whose accounts came before the commissioners of arrear; what part of that sum had been actually received by the country, he did not know; but, taking the whole to be received, the money was recovered at the rate of 33 per cent. The whole cost of the War-office in 1806 was 37,355*l.*, and to confine the expenditure of the present year to that sum would scarcely be thought unreasonable; he, however, was disposed to be satisfied with a smaller reduction, and should therefore move as an amendment, a vote of 45,000*l.* instead of 50,418*l.*

Lord *Palmerston* would be content to take for the present year the War-office estimate of 1806; the charge of 1806 being, not 37,355*l.* but 50,832*l.* It should be remembered, however, that in 1806 the constitution of the War-office was adapted only to the transacting of the current business; and that it was not until 1809, that the department for the settlement of arrear accounts, the charge of which for the present year was 17,000*l.*, was established by the Treasury. In comparing the expense of the present year with that of 1806, therefore, he had a right to say—take the expense of that part of the War-office which is employed at the present day in the manner in which the whole of the office was employed in 1806; and as the cost of the establishments for current business amounted for the present year only to 34,000*l.*, it would appear that, as compared with 1806, a considerable reduction of charge had been effected. The gallant member complained of plurality of offices; but the gentleman who filled the office of private secretary, if he did receive a salary independent of that situation, performed duties not connected with it—duties arising out of the applications to the compassionate list. The hon. member expressed doubts as to the actual recovery of the 104,000*l.*, by the exertions of the office for accounts in arrear; but he would tell him, that 14,000*l.* had been actually recovered and paid into the Bank, and that the remainder of the saving consisted in the stoppage of sums which would otherwise have been paid by government. For the last two years, indeed, the War-office might be said to have cost the public nothing; for its whole expense had been more than covered by the savings effected from the examination of the accounts in arrear.

Mr. *Hume* insisted, that the noble lord had increased at every point the expense of his department, and was prepared to prove, that if 20,000*l.* a year more were voted to that department, the noble lord would find employment for every shilling of it. In 1814, when this country had 236,000 men in arms, the establishment of the War-office, and superannuation list, cost 62,136*l.*; and it had gone on increasing, until the cost of 1821 was laid at 64,690*l.* The hon. member complained of the management of the arrear accounts, and characterised the raking up of accounts which had lain dormant for twenty, and some for thirty years, as useless, nay, mischievous to the public interest, and cruelly oppressive to the parties concerned: the expense of the examination of those accounts was a flinging of good money after bad. He had no complaint to offer against the conduct of the office of the noble lord. The business was done with great accuracy: all he urged was, that there was three times as much apparatus as was necessary; that it was like a ten-horse power applied to draw a cork. By attention and economy

the expense of that office might be reduced nearly one-half; but as half a loaf was better than no bread, he should support the amendment.

Sir *H. Parnell* complained of the amount of the superannuation list, and also of the expenses of the pay master's establishment. He complained of the number of offices connected with the military accounts, which were, he thought, by far too expensive. He particularly referred to the establishment of commissioners of military accounts in Ireland. In the whole military system there seemed a determination to resist all recommendations which had economy for their object. Why were not the allowances consolidated according to the recommendation in the 4th report of the commissioners? If done, it would not only simplify the process of keeping the accounts, but also considerably diminish the expenses.

Lord *Palmerston* said, that the Irish board of commissioners were appointed by act of parliament. He thought a consolidation of the accounts alluded to would be very inexpedient.

Mr. *Bennet* remarked upon the increase of the compensations latterly. These compensations in 1807, were only 6,771*l*., whereas now, they amounted to 13,000*l*. When the noble lord said he was not the accomptant, he wished to know how he reconciled this with the fact of some 8,000*l*. or so passing through his office for the management of the yeomanry, volunteers, and militia. There used formerly to be an office expressly for the purpose of managing these parts of the service, but at present he understood there was a partnership account, in which this was the noble lord's share.

Lord *Palmerston* said, that no part of the money passed through his hands. There was a part of his office which merely examined the accounts of these corps, and the warrants were issued from his office for their payments on the pay-master-general.

Mr. *Maberly* said, that at least one half of the amount of the charge for agency, 30,000*l*. might be saved to the country.

Lord *Palmerston* said, that if the House should deprive the army of their agents, it would be a deprivation of a great part of their comforts.

Mr. *Wilson* expressed his determination to vote for a saving of 5,000*l*., which he conceived could be effected under the item of agency.

Lord *Palmerston* said, that the present vote had nothing to do with the agency department.

Mr. *Creevey* was of opinion that the committee were bound to go more into detail. He saw by the estimates that the deputy secretary of war had a salary of 2,500*l*. The salary of the first clerk, 1,400*l*. The principal clerk 1,200*l*. He had a great curiosity to see a clerk with a salary of 1,400*l*. a year. He would wish to know at what hours these clerks attended at their offices, and whether they went there in curricles or in tilburies. The most distinguished and successful men in the army had not more than 2,000*l*. a year. Generals had about 700*l*., a year, major-generals 500*l*. whilst clerks had some 1,400*l*., and some 1,200*l*. a year. He did not know whether he could just at that time have these clerks brought before the House, but have them they must. He was convinced the business could be done as well for 700*l*. a year as for 1,400*l*.

After some further conversation, the committee divided: For the amendment 67. Against it 106.

List of the Minority.

Althorp, visc.
Barratt, S. M.
Bastard, E. P.
Belgrave, visc.
Benyon, B.
Bernal, R.
Boughey, sir J. F.
Bury, visc.
Calcraft, John
Calthorpe, hon. F. G.
Calvert, C.
Cavendish, Henry
Chaloner, R.
Chetwynd, G.
Colborne, N. R.
Creevey, Thos.
Crompton, S.
Davies, T. H.
Denison, W. J.
Duncannon, visc.
Dundas, hon. T.
Evans, W.
Farqhuarson, A.
Fergusson, sir R.
Gipps, G.
Glenorchy, visc.
Gordon, Robert
Graham, Sandford
Haldimand, W.
Heron, sir R.
Heygate, alderman
Hobhouse, J. C.
Honywood, W. P.
Hume, J.
James, W.
Johnson, col.
Lambton, J. G.
Lushington, S.
Macdonald, James
Maberly, John
Marjoribanks, S.
Monck, J. B.
Newport, sir J.
Nugent, lord
O'Grady, Standish
Parnell, sir H.
Palmer, C. F.
Philips, G.
Powlett, hon. W.
Price, Rd.
Ramsden, J. C.
Rice, T. S.
Ricardo, David
Rickford, W.
Robarts, A. W.
Robarts, G.
Robinson, sir G.
Sebright, sir John
Smith, John
Smith, W.
Tierney, rt. hon. G.
Townshend, lord C.
Whitbread, S. C.
Wells, John
Wilson, sir Robert
Wilson, Thomas
Wood, alderman
Wyvill, M.

TELLER.
Bennet, hon. H. G.

HOUSE OF COMMONS.

Monday, April 9.

Wool Tax.] Mr. *Wilson* presented a petition from a number of dealers in wool praying for a repeal of the new duty on Foreign Wool. The petitioners set forth, that, in consequence of this tax, the importation of foreign wool had fallen off very materially, the consequence of which was, that certain branches of the woollen manufacture had suffered greatly. He had learned from a letter which was dated so late as the 8th of February last, that in one port of Spain no less than three American vessels were loading with wool, which it was found useless to send here, on account of the high duty with which it was charged. This was a circumstance entirely new in our commercial transactions, and showed the bad effect which the tax produced. A gentleman having 300 bags of wool consigned to him, was compelled on account of the duty to send them abroad; and a merchant at Liverpool having purchased 350 bags, finding that the commodity could not bear the extent of duty, had shipped the wool to the United States. A communication had been made to him, from a respectable house in the city, stating that a demand to the amount of about 6,000*l.* annually, for broad-cloths, ordinary cloths, and stuffs, which they were accustomed to ship to the continent, had been transferred, in consequence of the advanced prices, to Bremen and other towns, which were thus encouraged to become our rivals in trade. The raw material was driven from this country; and other states, in consequence of the increased price of the articles they had been accustomed to purchase from us, were compelled to depend on their own manufactures. The old duty produced a considerable revenue, and enabled the manufacturer to carry on a profitable trade; but when a duty of from 25 to 30 per cent was levied on the raw material, it was absolutely forcing the United States whether they would or not, to become manufacturers.

Mr. *Baring* said, that a more important subject could not possibly be brought under the consideration of that House. He could not help stating his conviction, that if parliament did not listen to the voice of the manufacturers, Great Britain was in danger of losing a large portion of her trade.

Mr. *Huskisson* said, as notice of a motion for the repeal of the tax had been given, it would be better to go into a consideration of the question when that motion was made, instead of arguing it on the *ex parte* statements of certain petitioners. With respect to the tax ruining the import trade, the fallacy of the assertion was proved by the fact, that the tax last year produced 180,000*l.* and that near 8,000,000lbs. of wool were imported. This showed that the importer did not consider it to be a ruinous speculation.

Ordered to lie on the table.

African Company's Bill.] The House having resolved into a committee on this bill,

Mr. *Bennet* objected to the clause empowering his majesty's ministers to grant allowances to the discharged servants of the company, contending that they were engaged for public purposes, and had no vested or other right that could entitle them to compensation.

Mr. *Goulburn* defended the proposed compensation, maintaining that, according to every principle of justice, individuals should not be allowed to suffer by arrangements made for the public service, especially where a great saving would result to the public from such arrangements.

Mr. *Hume* denied that it was the disposition of his hon. friend to refuse compensation where a fair claim was made out. But his hon. friend objected, as he did himself, to invest government with the discretion to allow pensions to whom they pleased, and to what extent they pleased. The noble secretary for foreign affairs had himself justified the principle of such an objection, by declaring that a similar discretion, in the act of the 50th of the late king, had been so abused, that he was willing to give it up. Upon the ground of this declaration then, he would oppose the proposition to which his hon. friend had objected. But he had still stronger grounds. In the Ordnance office for instance, he found, from a document on the table, that in consequence of a similar discretion, superannuation pensions were allowed to young men of 25 years of age. He could not then grant a discretion so liable to be abused. Let a case be stated to the House, where, from services rendered, compensation was fairly due, and he had no doubt that it would be promptly granted. But, then,

no such pension should be allowed to any person who might, upon the new arrangement proposed in this case, be still employed in the public service, either at Sierra Leone or in the West Indies. He had the strongest objections to this proposition. For what did it mean? Why, to make an additional charge upon the consolidated fund, which was already 8,500,000*l.* in arrear.

Mr. *Gordon* thought, that, as the company's charter had been taken away, the least that could be done was, to afford some provision for its servants, he did not disapprove, however, of the check proposed to be instituted.

Mr. Bennet then moved as an amendment, the introduction of the following words—"that no such allowance be finally or conclusively granted, until submitted to the consideration of parliament;" which was agreed to.

BANK CASH PAYMENTS BILL.] The order of the day was read for going into a committee on this bill. The question being put, "That Mr. Speaker do now leave the Chair,"

Mr. *Baring* rose to offer an amendment. His original intention, he said, was to move, that it be an instruction to this committee to re-consider the former act of 1819, in order to see whether some provision could not be made to lessen the existing evils under which the public interests laboured. But that mode of moving by way of an instruction, he afterwards thought to be a very inefficient one in the first place; and secondly, such an instruction might seem to imply an opinion on the part of the House as to this subject, before it was examined; therefore he had come to the conclusion, that the most proper mode of all would be, to move for the appointment of a select committee to reconsider the whole subject. The more he considered this question, the more he felt it to be one not only of the utmost importance, but as "*the*" one in which were involved all the distresses experienced by the country and their remedy. Not only was he anxious to record on the Journals of the House, his sense of the necessity of adopting a measure such as that he should propose; but, if he found any encouragement, he should certainly divide the House upon it. They all felt, no doubt, that the country did at present stand in a very extraordinary situation. After the termination of a costly and protracted war, and the intervention of some years of peace, it was indeed very strange that without any given adequate cause, derangement still existed, and so extensively, that no class of society scarcely had escaped it. This evil, whatever were its character, and more particularly as regarded the agriculturists, seemed to be one for which no sort of remedy could be found: because, on the one hand, there were those agriculturists demanding, as the only possible means of subsisting them, prices which they had no prospect of obtaining; and, on the other hand, the other classes of the community, who affirmed that if the agriculturists did obtain those prices, the interest of all the other classes could not survive. This was a condition of things which made it necessary for the House to see whether there was not something bad and diseased at the very root and centre of the existing system of finance—a system which thus produced evils, for which no remedy could be come at. His opinion was, that these evils, alarming as they were, were occasioned by the alteration in our currency. On a former occasion, he certainly had had the misfortune to differ from his hon. friend (Mr. Ricardo) as to the extent of the alteration which had been experienced in the value of money. His hon. friend seemed to estimate it, taking the average of commodities and the price of labour in general, at from 5*l.* to 6*l.* per cent, and not more. Now in his (Mr. Baring's) view, it was infinitely greater. He rated it at not less than from 25*l.* to 33*l.* per cent. In some instances he should say that it had risen to a third and even 50*l.* per cent. To say what had been the difference in the value of money between the period of its greatest depreciation and the present time, was a difficulty that he could not hope immediately to come to a very satisfactory solution of. But very few persons would agree, he thought with his hon. friend that it had been only 5*l.* or 6*l.* per cent; and for his own part, he thought that if it were not of double or treble the amount at the least, he should now be taking up the time of the House very uselessly, by talking about the matter at all. But being, unfortunately, too firmly convinced of the contrary position, what he wished to persuade the House to do in this case was to appoint a select committee. His motion would be, therefore, "That a select committee be ap-

pointed to consider the provisions of the 59th of George 3rd, chap. 49, and to report their opinion to the House, whether it would be expedient to make any alteration in the said act, so as to alleviate the pressure which its operation is producing, and is likely to continue to produce, on the various branches of public industry." The more he had considered this subject, the more firmly was he convinced that the interests of the country would not work—that the circulation of the country would not move—unless they did maturely and carefully reconsider that important act. The circumstances that had shown themselves in this case, exhibiting the most decided symptoms of the evils which were known to exist in our system, had been in the first place, the total ruin of a great class of persons, who, trusting to the then value of money, and not being aware (as in truth hardly a hundred persons, perhaps, in all the country were aware) of the general depreciation which was afterwards to take place; and having on their side, moreover, the sanction of that House, the opinion of parliament, solemnly pledging itself, that there was and would be no such depreciation, acting on that opinion and that authority, this class of persons now found themselves totally ruined. There was then a sort of credit, and facilities of business existing all over the country; and the consequence was, that among that extensive class, contracts had been entered into on one side and on the other which were now become totally inexecutable. He thought it was totally impossible to relieve, though it might be the cause of adding to, the existing distresses of the people, if they did not carefully review the whole of this measure. It was quite unnecessary for him here to allude more particularly to those burthens, or to mention what the state of things in England, generally, at present was. Every gentleman who had been through any part of the country must know that the small farmers and yeomanry in the country (a class of persons most valuable and most respectable in a community, but at the same time the most likely to be duped on such questions as these; because, though very intelligent men in the management of their own affairs, they were not likely to know any thing about the currency); he would see hundreds of these small farmers and yeomanry brought to the ground by reason of having made purchases under a state of value, as regarded the currency, recognised as it was by parliament itself. Supposing a yeoman had expended his all, a sum perhaps of 4,000*l.*, in buying land, the present depreciation of prices left him in penury and debt. If he (Mr. Baring) was to be told that there had been an over-trading in agriculture, as in almost every thing else, he should say, that the effects of such over-trading, in whatever commodity, the House could not relieve. But, if this mischief had been done, in some sort, by the House itself, it was most material that the House should relieve the sufferers. What he hoped was, that no gentleman would listen to any mere statement as to the amount of depreciation; but he put it to every hon. member, whether, from his own daily experience, he could doubt of the extremely altered value of money? and whether any authority could convince him that that arose from any other cause but the state of the currency? His hon. friend said "look at the value of the precious metals." He (Mr. Baring) rather said "look at the value of all the articles of life." If that value was affected in merely one or two articles, he was aware it might be objected to him, that there might be such a variation sometimes, totally unconnected with the state of the currency; but if he found that the value of all articles had moved in the same way, that was an unanswerable proof, and the best authority, of an actual alteration in the value of that standard according to which the purchases had been made. Let them look at the variation of prices, then, which was exemplified in all the articles of life; and they would find it was to the extent of one fourth, one third, and in many cases one-half. Take the price of corn, which was the great grievance of the farmer. Although, as against the pound sterling, it was undoubtedly at a very low price, yet he would say that the price of corn, compared with that of any other commodity, stood now pretty nearly where it did before this alteration in the value of money took place. With a quarter of corn, the same quantity of sugar, leather, salt, gold, or any other article, could be procured by a person as he could get for the same commodity some time ago. It was only dear as compared with that standard by which the price of all other commodities was regulated. The burthens of the farmer, again, had been created by the

alteration in the nominal currency. There might be some gentlemen who would say that all this was, or might be, perfectly true; but that there was no remedy for those evils which resulted from a depreciation of the currency. It might, however, easily be proved, that we had brought our standard above what it was in the year 1797, and therefore that no person need be scrupulous to that degree as to fear any ill consequences from the adoption of his proposition. It might be said —"Don't let us aggravate the evil; but let us rather leave it where it is." To this, the fact which he had just alluded to would be a sufficient answer. It ought to be the object of the legislature, in applying a remedy for an alteration which had been so destructive, to enter, if possible, into those principles which pervaded the minds of the parties at the time that former contracts had been made. Though this could not be followed up in all instances, yet having once touched the standard, he did not know whether it might not be the best course to pursue, observing, as nearly as could be, what might justly be supposed the real proportion of value between the two standards. We had gone beyond that however; the present standard exceeding that of 1797. The House would remember that prior to that year, gold and silver jointly were a legal tender. The price of gold was then 3*l*. 17*s*. 10½*d*., and of silver 5*s*. 2*d*. per ounce. Gold still remained at 3*l*. 17*s*. 10½*d*., but silver within these few days had fallen as low as 4*s*. 10*d*. That silver was now at 4*s*. 10*d*. which might before the year 1797 (always excepting the operation of a certain order in council which was in its origin only a temporary measure, and not made permanent till 1797) be taken to the Mint and exchanged for coinage at 62*s*. to the pound. This gave a difference in the value of about 7 per cent. The difficulty was increased, therefore, by making that metal only the standard of currency, which was the scarcer of the two. From a comparison of the rate of foreign exchanges at different periods, it would appear, that the pound sterling was now raised to a higher value than at any former period. His hon. friend contended, that this alteration in the value of the currency was not the difficulty under which we laboured, because the price of all commodities would follow the variation of the standard of value, and this effect he seemed to think must necessarily be produced, with all the regularity of a mechanical operation. But the fact was, that the prices, which were equivalent to the average price of bullion, for twenty years antecedent to the alteration in the value of the standard of currency, were still continued, though they could not long be supported. High prices did not vary precisely with the alteration in the standard of value, but they were kept up by the habits, and feelings, and prejudices of the community. Take the meanest labourers at the present day—a man, for instance, who sawed stone, and it would be found that he could earn between 30*s*. and 40*s*. a week. Such a man, having been long in the habit of indulging himself in beer and spirits, could not readily be induced to abandon those luxuries; but it was quite clear that those wages could not last. His wages must come down, when his master could find nobody to employ him; and whenever that time arrived, which could not be very far distant, the reduction of wages would no doubt be received with great discontent. Reduced, however, their wages must be; and it was better to turn the attention of the labouring classes to the true cause of such a reduction, than to endeavour to make them profound patriots, by declaiming upon parliamentary reform. The true question was, whether it would not be more expedient and more just to bring the standard of value to the existing state of things, instead of attempting to bring the existing state of things round to the standard of value. He begged to observe, that though he had himself expressed a strong opinion as to the expediency of having a fixed standard of value, yet he must confess, at the same time, that he had somewhat under-rated the inconveniences and difficulties with which the adoption of such a measure was likely to be attended. He begged the House to consider whether, in the present state of things, it was possible for the country to go on; and if they thought we were not in a fair road to prosperity, whether it was not expedient to move for a re-examination. If such an inquiry were to be resumed at all, it should be resumed immediately: for it would be extremely unjust to postpone it to another year, when new contracts would be formed, and a new state of mind arise as to the value of the pound sterling. He was not one of these, who were in the habit of indulging in gloomy

views of the finances of the country. He wished to see justice done to all, and good faith kept to the utmost extent to which the principle could be carried. He was perfectly convinced, however, that if the right hon. gentleman opposite thought the finances could be kept up in the present state of the country, he was grossly mistaken. He repeated, that the great difficulty with respect to the state of the currency, arose from the increased means of consumption on the part of annuitants and persons of fixed income, and the consequent overpayment of labourers, who now indulged in beer, spirits, and other articles paying a heavy excise, which it was impossible they could continue to indulge in. The case of these annuitants and persons of fixed incomes furnished an instance of an experiment, which it was extremely difficult to try in any community, namely, to what extent you can push the number of idle consumers, as compared with the industrious classes of the community? The hon. member concluded by moving, by way of amendment, "That a Select Committee be appointed to consider the provisions of the act of the 59th of his late majesty, c. 49, and to report their opinion to the House, whether it would be expedient to make any alteration in the said act, so as to alleviate the pressure which its operation is producing, and is likely to continue to produce, on the various branches of public industry.

Mr. *Attwood* said :*—

Sir; the measure proposed to the House by the right hon. the chancellor of the exchequer, cannot but be considered to be of importance, in this—that it forms a part of that system of measures for the restoration of the ancient standard of value which has exerted so powerful an influence on the interests of the country. It carries that system one step further, which in every stage hitherto has been accompanied by great sufferings and considerable dangers, the operation of which has been so ably enlarged upon and elucidated by the hon. member for Taunton, whose amendment, for referring the whole of this system of measures to the reconsideration of a select committee, I have now the honour to second. It has been stated, that the present measure is calculated to relieve, in some degree, the existing condition of distress—but by what means? It is perfectly incompetent to such purpose; and if any expectation of relief from this bill be excited in the mind of the public, I am persuaded that that expectation will be deceived. On the contrary, the present measure, incompetent as it is to any beneficial object, is calculated under the particular circumstances of the country, to aggravate, probably in a considerable degree, the difficulties under which the country at present labours. It is calculated in some degree to limit and derange the country bank circulation, and the means of providing for and securing its payment. Particularly it is calculated to affect the interests of the country in its present state, if there should exist on the part of the public a disposition to exchange for the new coin, now about to be sent into circulation, any considerable portion of the country bankers' notes. This disposition may be expected to arise from numerous forgeries on the notes of the country bankers, when the one pound notes of the bank of England are withdrawn, or from any shock given to public or to private credit: and its effect would probably be to require an amount of five or perhaps ten or fifteen millions of gold to be substituted for the country bank circulation withdrawn. In this manner the present bill is calculated, in the existing state of the country, to aggravate the distress which prevails. We possess at present, it may be assumed, a sufficient supply of gold to substitute for the one pound notes of the bank of England, and, no doubt, to reserve in the coffers of the bank, such further supply as that body may deem it necessary to retain; but any further considerable supply of gold which this bill may render necessary, I apprehend, the country does not possess, but would be compelled to procure it by a forced importation from abroad. And when we consider what that process has been, and with how much difficulty accompanied, by which we have obtained the amount of gold which we at present possess, we shall not look without some apprehension to the result of a measure which may even by probability require us to carry further that process in the present state of the country. I would beg the House to consider what the late operations on our gold circulation have been. It was during the distress of the years 1815 and 1816 that we witnessed, for the

* From the original edition, printed for Ridgway, Piccadilly.

first time during a very long period, an importation of gold. From seven to ten millions of gold was at that time imported —the compensation for the difficulties of that period. In the prosperous state of the country in the year 1818, which followed, we shortly ceased to import gold; that which we had recently imported was next perceived to be leaving us: and by the end of 1818, or early in 1819, the seven or ten millions which we had so recently acquired, had wholly left the country. That period was followed by the distresses of the present time, and that distress has been faithfully accompanied by the re-appearance in the country of that same gold importation, and probably to about the same amount, of seven or ten millions, which, having visited the country in the distress of the year 1816, had left us in the prosperity of 1818—and now is seen to visit us again in this second season of calamity and distress.

Now, I am persuaded that we cannot consider these operations of our gold circulation,—the manner in which they have corresponded with the great changes in the condition of the country, without being convinced that this importation and exportation of gold is in some way intimately connected with those changes with which they are seen so precisely to correspond. And the manner of that connexion is this, that it is only during a low state of prices in this country that we are able to import gold or to retain it here when imported, at the rate we have fixed by law for gold. By the law which is now under the revision of the House, we have fixed the price of gold at 4*l.* an ounce, and have imposed on the country the necessity of procuring a forced importation of gold from abroad at that price. Now 4*l.* an ounce is not the price at which this country had been able to purchase gold, in any market of the world, for a very long period previous to the operation of these measures. It is not the price of gold as estimated in the money of this country, or at which it could be purchased for the last twenty years; it is the price of the century which preceded that period. What then has been the condition on which the country has been able to execute the task thus imposed upon it, of purchasing gold at a rate which had become antiquated and obsolete, and at a price lower than its customary value? That condition has been this, that we have been compelled to give our commodities in exchange estimated at an old and an equally low price also. Not a single ounce of gold could the whole power of the country, if directed to that one object, have brought into this country at the price which we have fixed by law for gold, and have retained it also in circulation—whilst our commodities retained their modern prices. Here then arises the difficulty which we by this law impose upon the productive classes of the population; we compel them to dispose of their productions, enhanced in their cost by the burthens and taxes of the last twenty years, at a price which admits of no remuneration nor advancement whatever on account of those burthens and those taxes. This is the task which we have by this law imposed on the productive classes; and it is against this difficulty that we now perceive them to be carrying on a vain and ineffectual struggle, which overwhelms them in despair and distress. It is not the debt and taxes of the country, nor the burthen and expenses of the government, which of themselves oppress the people; it is those taxes and those burthens combined with the operation of the present bill, increased in their amount, aggravated in their pressure by this bill and by the system of measures which accompanies it. It has never been seen that the people have been unable to support the public burthens of the country, enormous as they are, except at those precise periods when this system of measures can be shewn to have been in active operation. The resources are great which this country derives from the industrious habits of the people, from their unrivalled skill, and from the powerful motives by which they are impelled to the most unceasing toil before they give way to an hopeless despair—but, great as these resources are, they are unequal to the task we have now imposed. The people can contend with difficulties, but impossibilities they cannot surmount: and whatever else the result of the present state of things and of the present struggle will be, it will never terminate in the permanence of the present bill united with the permanence of the debt and the taxes; it will not terminate in the people of this country being able to unite the burthens and taxes of the late war with the scale of prices of the century which preceded it.

The great importance of the present bill, that which renders it so particularly

an object of importance to the House and the country, is this—that whilst we regulate by law the price of gold, we do in fact regulate the price of all the property and commodities of the country; this is effectually done when we fix by law the price of gold, and is the only manner in which it is in the power of government or of law to regulate prices. It is in vain for the country gentlemen to think that they can by a corn law raise the price of corn. They can determine by a corn law whether grain shall be imported or not, whence it shall come, and where go; but what price it shall bear, that is beyond the reach of a corn law to determine, or even materially to influence—that can only be determined by a money bill, by a bill like the present, which fixes the value of gold, and determines the amount of money in circulation. The hon. member for Portarlington has told the country gentlemen, that the proper remedy for their present difficulties, the result to which they must look, is a permanent approximation of the prices in this country to the scale of prices of the untaxed nations on the Continent. And this, however difficult it may seem as a remedy, however it may seem to them to be in fact the disease itself of which they complain—is perfectly consistent—and is the inevitable consequence of the present system. What was the principle which at all periods, previous to the bank restriction bill, determined the scale of prices in this country? The scale of prices upon the Continent—the value of the precious metals upon the Continent, and throughout the world, determined their value in this country, and consequently determined the value of property and commodities, as estimated in money. It is that principle, and that only, which must, under the operation of the present measures, determine also our scale of prices, and not any operation of the debt and taxes of the country. That was the advantage which we derived from the system of circulation which we have now abandoned—which it is so much the practice to reprobate and decry, and which is so little defended by those by whom it was introduced. It possessed advantages, and the principal of them was this—that it enabled the country to maintain an internal scale of prices, which had a reference to its internal situation, to its taxes and burthens, and did not depend on the scale of prices in other countries. Thus did it enable those taxes to be imposed, and that debt accumulated: it was by these means, and by these only, that we were able to make and continue the exertions necessary for the support of the late war—and if that war and those exertions were necessary to the safety of the country, then does this country owe its safety to that system of circulation which we have now abandoned with a blind and ill-advised haste, which has hurried us into dangers and evils infinitely greater than those from which we imagined that we were escaping. The evil of the present system of circulation, the return to which has been hailed with so much exultation, is this, that it has no connexion with the present state of the country, no reference to its existing condition; it is governed wholly by other principles; it may possess other advantages; but, that the present debt and taxes of the country should exist in conjunction with it—that is impossible—it is folly and rapacity alone which can think of attempting their union.

It is impossible that the full importance of the present measure can be estimated, without a reference to the general condition of the country, and the manner in which that has been affected by the whole system of measures, of which the present forms a part; and the main circumstance in the state of the country, as connected with this great question, is—that the distress in which we are at present involved, must be taken to be of recent origin. The distress which the country has experienced since the peace, has not been a uniform condition of distress, but has been interrupted by a period of prosperity as great as universal, and as extensive as is the present and as was our previous distress. In the years 1815 and 1816 this country was involved in calamities and sufferings as great and severe as it had ever experienced at any period of its history, or as, it is my firm conviction, have been ever endured by any civilized community. Our condition at the present period corresponds very nearly with it but we are not to forget that the period of 1818, which has intervened, and that which adjoined it, was one in which the country attained a degree of prosperity as great as it had experienced during the war, or at any former period whatever. Two years of prosperity—four years of adversity and distress—that is a short history of the distress of

the country. It is to this fact, this recent change in the state of the country, to which I am desirous to direct the attention of the House; because I am convinced that we cannot recognize that important circumstance, which is most incontestible, that this country had at that time recovered from its recent calamities; that the prosperity which it experienced so recently as in 1818 was neither local nor partial, but extended equally to every great branch of national interest; that the present distress of the country in its whole extent, is a mere breaking up and giving way of the prosperity then existing; this I am sure we cannot recognize, without perceiving, that this great and recent change must have been occasioned by some cause as extensive as the effect produced, and coming at that same time into operation. And we thus get rid of much of those theories, speculations, and conjectures, which have been delivered in this House on this important subject, and with so little attention to examine them by the evidence of facts and the test of experience. I beg therefore the attention of the House to some few of those numerous circumstances which show what that change has been, which has taken place in this country so recently as within the last two or three years. And first, with respect to its revenue. The state of our revenue and finances, which is now so precarious, was so flourishing in the year 1818, that the amount increased after the rate of 100,000*l.* weekly during a great part of that year. Through the whole of 1818 the rate of increase was but little inferior to this, and the produce of the taxes in that year exceeded the produce of the *same* taxes in the preceding year by no less a sum than 3,662,000*l.* This important fact rests on the authority of the finance committee of the year 1819, and exhibits an indisputable proof of the flourishing state of the revenue at that period. At that same period it was in the power and in the contemplation of the government to have made an annual saving of several millions, by a reduction of the interest of the unfunded and part of the funded debt. The mode of reduction of the interest of the debt contemplated at that period, and which would have been effected if that prosperous condition of the country had continued, was, that the government could then have borrowed at a very low rate of interest sufficient money to discharge the claims of those creditors to whom a high rate of interest was paid; a mode of reducing the interest of the debt very different from those which have been agitated in this House and justified by the present condition of the revenue and of the country. By this reduction, a saving would have been made which may be taken at from three to four millions; and when we add this to the actual increase of 3,660,000*l.* which at the same time took place in the production of the taxes, and consider this additional amount of annual resources thus placed at the disposal of the government, and the firm and secure and easy condition of the whole of the revenue which it indicates, not at that time wrung with difficulty from the poverty of the people, but flowing from the abundance of their wealth, the natural tribute of a great, a wealthy and a prosperous empire to a government which, though expensive, and to burthens which, though enormous, were not at that time unsuited to the resources of the country; when we compare this state of the revenue with the present, when three millions of new taxes imposed on the necessaries of life, chiefly of the labouring classes, have proved wholly unproductive; when the revenue of Ireland has suddenly failed to the extent of, I think, one-fifth; and when of that monstrous amount of sixty millions of annual taxes, an amount so little suited to the present poverty of the people, though it is the whole of it necessary to the establishments of the government and the support of the public credit; when of this monstrous annual taxation it is not too much to say that it has become a matter of doubt whether it can be longer by any possible and practicable means collected or not; I am persuaded that a contrast more complete between the secure and prosperous state of the revenue at one period, and its shattered, strained and precarious condition at the present, cannot well be conceived to exist. If we look to the condition of the different great classes of the community, we shall find them to have corresponded precisely with this alteration in the revenue. The agricultural interest was at that time prosperous in an eminent degreee: they had then high prices. The fall of prices which has since involved this class of the community in distress, has commenced since the middle of the year 1818. A similar fall of prices and equally ruinous in its effects has extended

to all our manufactured productions, and to all commercial commodities*, and in fact to so great and universal an extent has this change of prices gone, that it may be safely asserted that there is no species of property whatever in this country, in whatever form it exists, except the property of the annuitant, that has not undergone a depreciation in its monied value, to an extent that may be taken at perhaps one-third, within the recent period of the last two or three years, that is, since the year 1818. The House has recently heard an alarming and deplorable statement from the right hon. the vice president of the board of trade, of the present ruinous condition of that important branch of our national wealth the shipping interest. The ships of the country are two numerous for its commerce; a certain and great proportion of them are irretrievably condemned. This condition of the shipping interest is stated and is understood to have arisen from the establishment of peace, and the consequent throwing out of employment of a great number of transports. And it is this fallacy, which has become almost habitual, of referring the present existing state of the country to circumstances arising out of the establishment of peace in the year 1815, to which I am particularly desirous of directing the attention of the House. The fact, as to the commencement of the distress of the shipping interest, perfectly corresponds with the alteration in the situation of all the other great interests of the country. By a reference to the examinations which have taken place before the foreign trade committee, it appears that in 1818† the shipping interest flourished and experienced as great a degree of prosperity as did the country at large. Our ships at that recent period, instead of being too numerous, were inadequate to the commerce of the country. Mr. Tooke, a foreign merchant, tells the committee, that in 1818 he could not procure ships to transport his goods; and on being asked for how long a period that lasted, he says, during the whole season of 1818, except perhaps at intervals; and that the reverse has been the case ever since. Mr. Tindal, a ship-builder, on being asked the precise question, whether the shipping interest was not now depressed in consequence of transports thrown out of employment at the peace? Answers distinctly, that the shipping interest had entirely recovered that depression, and that the transports and all other ships were employed at good freights in 1818, and were inadequate to the demand for ships. And this is confirmed by the consistent and uncontradicted testimony of other evidence; and it is not unimportant to compare here this state of the shipping interest in 1818, with the state of the revenue at that time and then I would ask, how these conjoint effects are to be explained by any of those partial causes to which the state of the country has been ascribed? I will mention one other circumstance as corroborative of this great change then taking place; and that is, that in the establishment in the city of London, called the clearing-house, through which, as is well known, a certain and a large proportion of the commercial engagements of the metropolis are discharged, in that establishment there appears a reduction, since 1818, of those transactions to the extent of about one-fourth; and this will be received, I am convinced, as an incontrovertible proof of this great and important circumstance, that the whole of

* The fall of prices on some of the principal articles of manufactures and commerce, since 1818, may be taken to have been:—Iron, from 13*l.* to 9*l.* 10*s.*; copper, from 140*l.* to 98*l.*; cotton, from 1*s.* 7*d.* to 10*d.*; sugar, from 90*s.* to 60*s.*:—hemp, flax, tallow, wines, oil, have fallen in similar proportions.

† The following Statement, shewing what the fall in the price of ships has been since 1818, appears in a speech of Mr. Marryat's, reported in Vol. 1, p. 849 of the New Series of the Parliamentary Debates: "The Sesostris, launched in 1818, 480 tons, cost 12,175*l.*; was sold in 1820, after making one voyage, for 6,300*l.* The Hebe, of 417 tons, was valued in 1818, at 6,000*l.*; was sold in 1820, for 3,250*l.* The St. Patrick cost in 1818, in repairs and fitting, independent of the then value of the ship, 7,100*l.*; and was sold in 1820, for 3,000*l.*" He gives other similar instances. The depreciation in the value of ships, he says, (1820) "is proceeding more rapidly than ever." It has been said, that the importation of grain in 1817 and 1818, gave employment to ships. It did so; but it must be taken into account likewise, that in those years we exported seven or eight millions of gold, supplied by the Bank, at 3*l.* 17*s.* 10½*d.* an ounce, or thirty or forty per cent below the average price of our commodities; and this operation prevented the export of goods, to perhaps an equal and certainly to a great amount, which must have taken place if this gold had been retained by the Bank.

the commercial operations of the kingdom have undergone a contraction to that extent, within the short period of the last two or three years. I apprehend, therefore, sir, that nothing can be more complete, than the reverse which has thus recently taken place in this country, from a high, flourishing, and prosperous condition, to that present condition of difficulty, which it is not my intention to expatiate upon, the alarming reports of which have reached us from the remotest corners of the country. What is the cause of this great and ruinous change? It is not the war, for that has long ceased. It is not the transition state to peace, for that has long passed away also; and the country has recovered from whatever evils it experienced from these events. Whence is it, that in the absence of all those causes destructive of the prosperity of nations; that in the midst of abundant harvests, of profound peace, when the whole of Europe is in alliance with us, when all its ports are open to our industry, whilst all outward circumstances indicate tranquillity; that we perceive, in whatever direction we turn our attention, one internal scene of difficulty, ruin, and distress? To ascribe a reverse, sudden and universal like this, to trifling or obscure operations; even to discuss such causes on such a question; is at once to abuse the attention of the House, and the sense and distress of the country. It is most clear, that it can alone be ascribed to some cause as extensive as its effects, and which can be shewn to have been then in operation. And most assuredly there has been no such cause in existence at this period, except that change in our monied system and standard of value, which we have ourselves effected precisely at this time, and which necessarily affects equally all the great interests of the country, and is calculated to affect them exactly in the manner we have witnessed. And here again, therefore, I have to request the attention of the House to the consideration of what these changes have been, when they have taken place, and particularly how they have corresponded with that great change in the state of the country, which has thus recently taken place. The currency of this country became depreciated during the war: that, I think, is now universally admitted and agreed on. The rate of that depreciation is by no party estimated at less than 25 per cent; by many it is estimated at more than 50 per cent. The criterion, taken as infallible by the hon. member for Portarlington, would give a depreciation of 40 per cent; but I will assume a rate of depreciation of from 30 to 40 per cent. A depreciation of money is, in other words, a rise of prices to the extent of such depreciation. Here then is a rise of prices during the war to the extent of 30 or 40 per cent, occasioned by the depreciation of our paper money, and by no other cause. Whatever other or further rise of prices may be supposed to have taken place during the war from other causes, here is a rise of prices to the extent of 30 or 40 per cent, which must of necessity be ascribed to this cause, and to no other. We have at the present period restored the value of our currency again. It is the boast of those gentlemen who have taken a leading part in that measure, that is to say, we have occasioned by this restoration a fall of prices precisely commensurate with the previous depreciation. So that whatever other causes may be supposed to have operated to depress prices, we have here most incontestibly a fall of prices of 30 or 40 per cent, occasioned by this one cause, and by this only.* It was altogether impossible for

* The rise of prices which took place during the war, because it was seen to accompany the imposition of taxes, the accumulation of debt, and a great national expenditure, was commonly ascribed to the operation of these circumstances. The great and rapidly increasing prosperity of the country was ascribed to the same causes. These errors are not yet effaced: it will be some time before it is again believed in this country, that the natural companions of war and taxes are poverty and low prices, and not high prices and wealth. "War brings poverty, poverty peace," is a true proverb, though it has appeared to us to be contradicted or reversed by recent experience. It describes very accurately the progress and termination of every foreign war, except the last, in which the country has ever been engaged. There is nothing in the nature of war or taxes capable of occasioning that rise of prices and increased wealth, so necessary to their support; if these existed in this country during the late war, it was in spite of the war and the taxes, and not in consequence of them; they were occasioned, and occasioned solely, by the increased amount of money thrown into circulation, in consequence of the Bank Restriction act, and the consequent depreciation of money: high prices and prosperity continued no longer than that operation. There was no fall in

such restoration to be effected, unaccompanied by such fall. Let us see then what the intermediate alterations on our currency have been. We restored its value also in the years 1815 and 1816, and we then also witnessed that same precise fall of prices which we now witness, and which must of necessity have accompanied a restoration of the value of our currency. In the year 1818 we depreciated the currency a second time; and having by this means raised prices and altered our standard of value to the war rate, we then found that the country was able to discharge without difficulty the engagements imposed on it by the war. We have since brought back the ancient standard of the country, as distinguished from the war standard, and the effects are what we witness. There exists a difference of opinion as to the rate of the second depreciation of money in the year 1818; and it is to a misunderstanding on this point which prevailed in 1819, that the present ruinous system of measures are in some considerable degree to be ascribed. That depreciation, if it existed at all, of which there is no one who doubts, must, I apprehend, be estimated as to its rate by either the general scale of prices at that time, or by the amount of money which can be shown to have been in circulation, or by both, and not by a reference to the temporary price of any particular article; and inasmuch as both the scale of prices generally, and the amount of money thrown into circulation, approached to a par, or very near it, with the prices, and the amount of money which circulated during the war, so, I apprehend, must the rate of depreciation in 1818 be taken to have been the rate of depreciation before the close of the war, or nearly corresponding with it.

Why then, sir, we see here the operation of a great cause necessarily affecting every one of the great interests of the country, and precisely in the manner in which we have seen them to be affected, and affected precisely at those periods when those measures came into operation. And particularly we see the operation of those measures at that period of the year 1818, when no other cause whatever has been in existence, capable of affecting the main interests of the country. What we have witnessed within this recent period has been this—we have seen the prosperity of a great empire in its whole extent, and throughout every branch of national wealth, suddenly subverted and destroyed; its revenue, its agriculture, its manufactures, its commerce, its ships, all alike reduced to one uniform condition of beggary and distress; and when we hear an event like this, unequalled, in the history of the country, or of scarcely any other country, ascribed, in this House to trifling and insignificant operations, to importations from Ireland—itself equally distressed—to an abundant harvest, to the importation of a few millions of foreign grain; when we hear it ascribed to causes of dubious or even mysterious operation, to what is called an excessive supply, to a diminished expenditure; causes which did never yet in any time, nor in any country, produce the effects here ascribed to them, and which, if they were capable of producing such effects, as, if there is any truth in any principle of political economy, they are not, can never be shewn,

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the price of corn at the conclusion of any one of the three great wars in which the country was engaged in the course of the last century; on the contrary, there appears a uniform rise; and there would have been no fall in corn at the conclusion of the late war, if that conclusion had not been accompanied by the removal of the restriction act, and an attempt to return to cash payments. The manner in which seven millions of gold was issued by the Bank of England in 1818, in an attempt to re-establish cash payments, was equivalent to giving a bounty of 25 per cent. on the foreign corn imported at that time. The following table shews the manner in which the price of wheat was affected by the establishment of peace at the conclusion of each of the three great wars in the last century:—

		per Quarter.		
1712 last year of war—the average price of Wheat		£. 2	6	4
1713 Peace establishment in July—	Do .... do	2	11	10
1714	Do .... do	2	10	4
1762 last year of War..............	Do .... do	1	19	0
1763 Peace in February............	Do .... do	2	0	9
1764	Do .... do	2	6	9
1782 last year of War	Do .... do	2	7	10
1783 Peace	Do .... do	2	12	8
1784 Do	Do .... do	2	8	10
1785 Do	Do .... do	2	11	10

During the nine years of the American war, beginning with 1775 and ending with 1783, the average price of wheat for that nine years was *2l. 3s. 2d.* a quarter. The average price of the seven years which followed was *2l. 16s. 6d.* the quarter; and the average of the seven years which preceded the American war, was *2l. 18s.* the quarter. This fact is perfectly conclusive, that the state of prices during the late war was occasioned by some operation peculiar to that period, and which terminated with it, and by no operation of war expenditure, loans, or taxes—if in fact that opinion [illegible] refutation.

nor be supposed to have come into any particular operation at this time—in the midst of this condition of calamity and distress, and of this obscurity as to its cause, can there exist a more important duty than that which rests upon this House, to enter at once into the most diligent, the most extensive, the most indefatigable investigation of this great subject—to dispel the obscurity, the confusion, the absurdity, that prevail—to exhibit to the people what the true cause is of the difficulties which overwhelm them, what are the real obstacles that oppose themselves to their removal, and what those dangers and evils are, which we imagine that we avoid by persevering in our present course? There is no party which does not ascribe some part of the distress of the country to the alterations in our currency. Is it not the duty of the House—is it not due to its own character and interests, and the interests of the people, to determine what that part is? I am perfectly convinced that no particular portion, but the whole of the difficulties of the country have been occasioned by that operation; that all the sufferings of the people, and the difficulties and dangers which, from them, surround the government; the destruction or depreciation of capital and property; that all this is the condition which this country has paid, which it has yet to discharge, for what is called the restoration of the ancient standard of value, but which has been in truth, and in fact, and in law, the substitution of another standard for the then existing legal standard of value, in which existing legal standard of value all the debts, and taxes, and salaries, and leases, and monied contracts of the country had been founded, all of which were violated by that substitution; and the effect of which violation on the great interests of the country were never inquired into by the committee of 1819, appointed to investigate this great question; nor were these evils enumerated to the House by that committee, when they recommended the perseverance in measures from whence they must of necessity arise.

I would, in confirmation of these opinions and arguments, ask the House what the main feature is of all the difficulties which the productive classes sustain? Is it not a low state of prices? On what do prices depend? Is it not on money? We come at once to the true cause of these difficulties. Have we not been engaged in making perpetual alterations in our monied system and standard of value? Have we not debased our standard? then raised, and then a second time lowered and raised it again? Is there, in short, any change of which money is susceptible, any means by which it is capable of affecting the interests of a state, which we have not made or attempted to make? And are we surprised that disastrous events follow; that we witness at one period a sudden prosperity, followed by as sudden and greater calamities? When has it been that governments have understood the full importance of what they were doing, when they have tampered with their standard of value? The mistake of the present period is this—that we have given to the country the wrong standard; we have given them the standard of one period with the engagements of another. Thence the difficult, the uneasy position of the country—the impossibility which opposes the discharge of those engagements. With these causes and effects thus plainly before us, can we longer shut our eyes to the nature of these operations, as well as to the dangers with which we are surrounded, from any other motive than a secret conviction of the evils which we have ourselves occasioned, and the injustice we have worked? How much longer shall we, instead of boldly applying ourselves to the nature of these evils and their removal, endeavour to amuse ourselves and the people by a succession of contradictory and contemptible theories—irreconcileable with facts, with experience, or with sound principles, in the vain hope and expectation that time or accident, or the industry or resources of the people, will surmount at length the calamities we have occasioned, and save the legislature the mortification of acknowledging and repairing its errors. The main feature of the distress of all classes I have stated to be the low rate of existing monied prices. Into that it is all to be resolved. It is that which prevents the farmers from being able to discharge their rents. The manufacturers and the merchants cannot procure a price which will reimburse them the cost of production and importation of their various commodities; from this arises the destruction of capital, the ruin of those classes. It has been contended, that the fall of prices recently occasioned by the alteration of

the currency, has been only to the extent of four or six per cent. This is the proposition of the hon. member for Portarlington; but the fact will be found to be, that the amount of bank of England notes reduced in this recent operation has been six millions. The reduction has been about six millions since the operation of 1818, and about seven millions since the war. If then the reduction of Bank notes has been six millions, and their present amount be twenty-three millions, both of which the papers before the House will show, I would ask that hon. member to say, whether he believes that a reduction of Bank notes can by possibility take place to the extent of one-fourth, and occasion a fall of prices to the extent of only one-twentieth? This I am satisfied he will not maintain. Another opinion has been generally entertained, that it is the fall of prices which has reduced the amount of circulation, and not the reduction of the circulation which has occasioned the fall of prices. Now what is the fact, as it applies to this opinion? The reduction which has taken place in the notes of the bank of England, of I will say one-fourth, has not been occasioned by any alteration of its advances to the agricultural or the trading community; that reduction has been effected entirely by a calling in of its advances to the government, dictated by this House, and for the express purpose of enabling the Bank to reduce its amount of notes in circulation, that it might by that means cause a fall of prices, raise the value of money, operate on the foreign exchanges, and procure an importation of gold from abroad at the old price of gold, precisely by that mode to which I have already referred. If therefore the reduction of Bank notes was not occasioned by a fall of prices, so neither could it by possibility take place without occasioning that fall of prices. We have therefore here before us a reduction of bank of England notes regularly and systematically effected, dictated by this House, to the extent of six or seven millions; that reduction must of necessity be followed by a proportionate or a greater reduction of the country bankers' notes*: there is now therefore a reduction altogether of the whole amount of money in circulation in this country to the extent of twelve, or perhaps fifteen or twenty millions. Now it is absolutely impossible that this could take place without a fall of prices similar to this which we have witnessed. The scale of prices, which can be kept up in every country, depends on the amount of money which can in that country be kept in circulation, and the proportion it bears to its property and commodities. This proposition, self-evident as it is, I will beg the indulgence of the House to state it in the words of Mr. Locke, because the authority of that great reasoner has been much referred to on this subject, and his opinions altogether misunderstood. That money and prices depend on one another, is thus stated by Mr. Locke: "The uses of money not lessening with its quantity—so much as its quantity is lessened, so much must the share of every one that has a right to this money, be the less—whether he be landholder, for his goods; or labourer, for his hire; or merchant, for his brokerage." And then he says, "If one-third of the money were locked up, or gone out of England, must not the landholders necessarily receive one-third less for their goods, and consequently rents fall?" Now, sir, is not this precisely what we have seen? We see the one-third, or it may be one-fourth, of our money locked up systematically and taken from circulation. We see the necessary consequence following—the landholder receiving less for his produce; the labourer for his wages; the merchant less profit—all necessarily and equally reduced. Mr. Locke goes on to describe what, in his opinion, would be the probable consequences of a nation suffering calamities from this cause. It appeared to him, that the different great classes of the community, the traders, the farmers, the labourers, would be little likely to understand what the common cause of their distress was. He says, he should expect that each of these great classes would be disposed to ascribe its difficulties to some cause peculiar to their own situation, and to aim at measures of relief calculated, as they would believe, to assist

* Dr. Copplestone has told Mr. Peel, that a reduction of Bank of England notes would be followed by an increase of those of the country bankers to keep up the level, as thus—"The Bank of England, it seems, have lately contracted their issues; but to answer the demands of the market in the present state of the currency, other banks will increase theirs to keep up the present prices, as one draws in, the other will shoot out. Being secure

themselves in particular and probably at the expense of the rest. But this contest, he says, between the monied man and the merchant, the labourer and the landed man, is but scrambling among ourselves, and helps none against the common distress, —the cause, he says, is mistaken, and the remedy too.

This again, sir, is an accurate description of what has taken place. We see the agricultural community engaged in an attempt to raise, by restrictive laws, the price of bread, whilst the merchants and manufacturers demand a free trade, and measures calculated to lower it. Can we forget that we have heard in this House, a plan proposed for relieving the difficulties of the country by a division of the land, and giving a portion of it over to the fundholder? And have we not witnessed a strong disposition at least evinced amongst the landed interest, to relieve themselves by invading the property of the fundholder? A right hon. gentleman, the chief commissioner of woods and forests, has told us, that the state of things now existing is advantageous to the labouring classes; that the labourer is benefitted by a state of things that is completely ruinous to his employer. If it were true, that the condition of the labourer is improved, he is rapidly consuming the capital of his employer; and I would beg the right hon. member to tell us, how long he considers that an improvement so originating, is likely to last. But what are the symptoms in the condition of the country which we perceive, and from which we should judge that the condition of the labourer is likely to be improved? Do we not hear, in all directions, of land thrown out of cultivation? of the better land being worse cultivated? Must not the inferior manufactures necessarily follow the same fate? Have we not heard from the most unequivocal authority, that the shipping of the country is too extensive for its commerce? that

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against the only true test of their soundness, and their profits depending on the amount of their issues, can it be imagined, that they will ever of their own accord contract those issues?" [Second Letter to Mr. Peel, p. 12.] It might have been expected from a writer who is so intemperate, and loud in his accusations of ignorance, towards those who differ from him on these subjects, that he would have himself shown some degree of knowledge of the principles, at least, if not of the practice of circulation. If Dr. Copplestone believes that the country bankers are restricted or protected from paying their notes by any act of Parliament, as the latter part of this sentence seems to imply, then he is right, and the country bankers, if so protected, would undoubtedly have shot out their circulation, and have filled up any existing void very much to their own profit. But the country bankers have always been liable to pay their notes in notes of the Bank of England; and their circulation has been consequently always reduced by a scarcity of Bank of England notes, and can only be extended in consequence of an extension of the Bank issues. If the country bankers had attempted to proceed according to this plan, it would have terminated in their ruin and they could not have succeeded in keeping one single note more in circulation. In what manner the country bank circulation has in fact, since this time, been increased, to keep up prices, may be judged of from the degree in which prices have kept up, as well as from the following statement of stamps on their notes:

Amount paid for Stamps on Country Bankers' Notes.

For the half year ending 5th April 1819	£.58,400
October	27,400
April 1820	26,900
October	27,400

The amount paid for the half year ending Oct. 1818, was 74,800

By the side of this prediction as to prices, and the amount of the country bank circulation, may be set one by Mr. Ricardo, which is found in a reported speech of his, made about the same time, that is in May 1819. He says, "This question (the bank cash payment question) is one of immense importance in principle; but in the manner of bringing it about, is trivial, and not deserving half an hour's consideration of the House. The difficulty is only that of raising the currency 3 per cent in value. A most fearful and destructive depreciation had at one time taken place, but from that we had recovered, and he was happy to reflect that we had so far retraced our steps. We had nearly got home, and he hoped his right hon. friend would lend him his assistance to enable them to reach it in safety. He would venture to state, that in a very few weeks all alarm would be forgotten, and at the end of the year we should all be surprised that any alarm had ever prevailed at a prospect of a variation of 3 per cent in the value of the circulating medium."

The value of money since this period has risen 20 or 30 per cent, and not 3 per cent. The cause is to be seen in the reduction of the country bank circulation. There is less money in existence. In May 1819, the Bank of England had in a great degree effected its necessary reduction; but the reduction of country bank paper necessarily following the Bank of England reduction, was an operation that had only recently commenced, and was then going on with great rapidity.

an attempt or expectation to employ or to maintain it is preposterous? How then, sir, in the midst of this diminution in the demand for labour, of this frightful destruction of the funds by which labour is supported, are we to expect to find the condition of the labourer improved? It is contrary to every principle of political economy that has ever been received, to all reason, and to all experience. It has never happened at any time, nor in any country, that the condition of the labourer has improved, except by an increased demand for labour, and an increase of the funds by which labour is supported—the productive capital of a country. It has never happened in any country,—nor it never will in this,—that a permanent reduction in the demand for labour can take place, without this further consequence following—that the supply of labour must become proportioned to the contracted demand. This is the process through which the productive classes of the country must pass if the present state of the country continues, and which has, as I am convinced, already commenced. And what the nature of that operation must necessarily be in this country, by which the numbers of the productive classes are lessened, and become proportionate to the lessened demand for labour which exists, that I leave to the right hon. member to describe, and to reconcile it, if he can, with the improvement he speaks of in the condition of the labourers. But this opinion, which is dangerous to be sent out from this House to the country, in its present condition, for its tendency is to instigate one part of the people against the other, when they have all but one common interest, and are involved in one common distress, has been attempted to be supported by a reference to facts. It is stated, that of those articles which form the necessaries or the luxuries of the labouring classes, there is found to exist an increased consumption, since the present ruinous state of prices has been established. The article which has been brought forward in support of this statement, is malt. It is said, there has been an increase in the consumption of malt. Now, sir, what is the fact on this subject, as it appears by the papers containing returns made to this House? The year 1818 was the last year in which a remunerating price was paid to the producer for malt. The number of bushels of malt consumed in that year, appears to have been 25,405,000 bushels. That is the quantity of malt consumed, we will suppose, by the labourer when he paid a remunerating price to the producer. What shall we find then the quantity to be consumed in the year 1820, when it is sold at a low price, which is ruinous to the farmer? The quantity is 24,621,000 bushels. Here is a diminution, instead of an increase. So that in this very article of malt, brought forward to show an improved condition of the labourer, in consequence of the fall of prices, it appears that in this very article, the labourer, when he paid a high price which remunerated the producer, was enabled to purchase and consume more by 800,000 bushels, than he was able to procure when he paid a price entirely ruinous to the grower. And thus it is that an improvement in the condition of the labourer is proved. Another article of consumption, referred to in another place by a noble lord, of whom I wish to speak with respect, in support of a similar opinion, is the article of British spirits, the luxury, perhaps to some extent, of the labouring classes. In the article of British spirits, an increase was stated to have taken place in the last year, compared with the average of the three preceding years, to no less an extent than 1,500,000 gallons in 5,000,000 of gallons. Now, sir, what is the fact, as it appears by returns made to this House? Instead of that extraordinary and altogether improbable increase which appeared in the papers laid before the other House of Parliament, there appears a great diminution. The return to the other House was plainly a clerical error, arising, probably, from taking in the last year the gallons of wash, and in the preceding years the gallons of spirits; but I do not refer to it, for the mere purpose of correcting an error, but because an erroneous and an important argument was founded upon it. The real state of the case, as it now appears, is this, that in the year 1818, the number of gallons of British spirits consumed, was 5,778,006 gallons; and the number consumed in the last year, was 4,756,000 gallons; being a reduction of one-fourth or one-fifth in the whole amount of British spirits consumed, instead, of that great increase of consumption which had been stated to exist: and thus, sir, it is, that an opinion opposed to every sound principle of political economy, to all reason, and to all experience,

is destroyed by the facts brought forward in its support.*

If, sir, there be any foundation whatever for these opinions, as I am convinced

* This opinion of Mr. Huskisson was first advanced by Dr. Copplestone, and forms the principal feature in his work. It has been explained by Mr. Hume, in what manner it is that a rise of prices, following from an increased abundance of money, and its consequent progress to depreciation, is favourable to the wealth of a country, to the increase of its real capital, and in what manner it encourages industry, and improves the condition of the productive classes, the merchants, the manufacturers, the farmers, and the labourers. He has explained also, in what manner a scarcity of money and a fall of prices reverses this state of things, and involves all the productive classes of the community alike in poverty, beggary, and sloth. His arguments on this subject have received a striking illustration from what has taken place in this country from 1797 downwards, to the conclusion of the war, and from the different changes in our monied system, and in the state of the country which have since taken place. Dr. Copplestone has maintained a different opinion, as far as relates to the condition of the labourers. It appears to him, that an increased abundance and consequent depreciation of money, whilst it is in an extraordinary degree favourable to the prosperity of the higher classes of society, including the traders, is injurious to the labourer, and deteriorates his condition. The condition of the labourer is improved, on the contrary, as he maintains, by a scarcity of money and a fall of prices, which impoverishes or ruins his employers. The work of this gentleman, written for a particular and a party purpose, to depreciate the character and measures of the present chancellor of the exchequer, has been praised by the party with whose views it coincided; and has been estimated greatly beyond its worth. Undoubtedly it is an important question, which is thus agitated. No measures of any government can rest on a surer or more honourable basis, than an improvement in the condition of the labouring classes, the great majority of every country, if they are capable of effecting that improvement. We must require, however, very different arguments, and a more accurate statement of facts, than have been brought forward by this writer, before we can give any weight to the extraordinary position, that the labouring classes can flourish and improve amidst the general impoverishment of the country, or that they can become poorer and more miserable and distressed, in the midst of a rapid and general increase of national prosperity and wealth. It is not a waste of time to examine for a little the facts on which this opinion is professed to be founded, and the boldness or carelessness with which this gentleman makes use of facts and figures, and renders them subservient to the purposes of his preposterous argument. He has taken a review of the state of the country in the time of Elizabeth. That was a period in which an operation took place, similar to that which followed the Restriction bill. A great increase of money flowed into circulation in consequence of the discovery of America, and was accompanied with a striking and unexampled increase of national wealth and prosperity. This Dr. Copplestone admits; but he says that he finds it was accompanied with a great deterioration in the condition of the labouring classes. That is the point in question. To prove it, he gives us a table, in which he sets down the price of provisions, and the wages of labour, at different periods, commencing with the year 1459, and ending with 1601. The conclusion he professes to draw from this table is, that in the earlier part of that period, before the rise of prices took place, the wages of the labourer would purchase a greater quantity of provisions than in the latter part of it, after that rise of prices. The first circumstance which strikes us in this table is this, that the price of wheat first given in the year when it commences, viz. 1459, is set down at 3*s.* 4*d.* a quarter, in money of that time, and at 5*s.* ½*d.* a quarter in money of the present time. But when we refer to the tables of sir F. Eden, from whom these prices profess to be drawn, we find the price of wheat there set down in 1459, at 5*s.* a quarter, in money of that time, and at 9*s.* 7*d.* in money of the present time; and that price agrees with the tables of Adam Smith. So that this table sets out with two statements, and both of them erroneous. First, the price of wheat is set down at about fifty per cent. below its price in money of that time; and next, the money of that time is estimated at about fifty per cent. lower than its real value; and altogether we arrive at a price of wheat of exactly one-half of what the tables shew from whence it is drawn, those of sir F. Eden. A comparison is then drawn between the condition of the labourer in the first twenty years of the sixteenth century, before any depreciation of money had taken place, and his situation during the last twenty years of that century, after such depreciation, drawn from the tables which are given. It is stated, "that from the slightest inspection of the tables, it will appear that during the first twenty years of that century, the wages of a country labourer were at least three times as great as during the last twenty years, if measured by the quantity of food they would purchase." And then we are shortly afterwards told, that, "in the first period, a quarter of wheat at 5*s.* 3*d.* was equal only to thirteen days labour at the lowest rate."

Now, in the first place, sir F. Eden's tables do not give the average price of wheat for the

their truth is incontestible; if the facts on which they are founded are incapable of contradiction; it becomes this House to consider well the whole of this subject, before they take that further step which is now proposed to its adoption. What I have maintained is this: I say that a great reverse has taken place in the internal situation of this country suddenly and recently, and since the year 1818. Can that fact be denied? I say, that in that change consists, and into it is resolvable,

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twenty years beginning with 1501 and ending with 1520, at 5*s.* 3*d.* in money of that time; but at 8*s.* 3*d.* The average of twenty-one years, beginning with 1501, is 9*s.* 3*d.* And when we come to the year 1523, the price of wheat is set down in Eden's tables at 8*l.* a quarter in money of that time; this being before the depreciation of money, and the consequent improved cultivation with which it was accompanied, had commenced. But the absurdity of this statement is the most material part of it. Dr. Copplestone can believe, when it suited the purpose of his argument to make out a prosperous condition of the labourer, that the wages of the lowest description of labour, of "a woman labourer, or other labourer," for that is the description referred to in the table, were sufficient, at that period, to purchase a quarter of wheat for the wages of thirteen days; which is nearly four bushels or nearly four and a half bushels of wheat, as the bushel is estimated at eight gallons, or at nine gallons, for a week's wages. This would give more than two hundred bushels by the year, for the wages of women labourers, and other labourers of the lowest description. To make this statement complete, the writer ought to have given us also his opinion, as to what quantity of land he imagines to have been in this country at that period, or even at the present period; which, if its whole gross produce were given to the labourers, without any reserve for rent to the landlord or profit to the farmer, would yield a remuneration to this extent. The average produce of an acre of wheat at about the period referred to, there appears reason to believe was about twelve bushels, and that much cultivated land did not yield more than six bushels by the acre at that time. Having, in this manner, established a prosperous condition for the labourer at one period—and certainly nothing can be imagined more prosperous, for it gives to a woman agricultural labourer the gross produce of near twenty acres of corn, of an average crop and goodness, for a year's wages, and of near forty acres of the crop of corn, of inferior corn land, for a year's wages, and would be equivalent to about 40*s.* a week for a woman labourer, or the lowest description of agricultural labourer, when corn is at 10*s.* a bushel. Having thus established this state of things, at one period, before money had depreciated, he finds it perfectly easy, as might be expected, to take up the condition of the labourer at another period; and to show, that after prices had risen, the labourer had greatly gone back from this prosperous state, although in the midst of a great advancement of national prosperity and wealth. The picture of a worsened condition of the labourer, at a period when it suited the author's purpose so to describe it, is completed by a similar use of facts and history. Harrison, in his description of England, reckons the annual executions at the end of the reign of Elizabeth, at 300 or 400; and this is at once made use of to shew that the depreciation of money during that reign had involved the people in misery, and driven them to the commission of multiplied disorders and crimes. [Second Letter to Mr Peel, p. 51.] Now this same Harrison states, that in the reign of Henry the 8th, which is before any fall of money and rise of prices had taken place, the number of executions were nearly 2,000 annually; and Mr. Hume, who quotes both passages, almost in the same line, says, that it is asserted in an act of parliament of Henry the 8th, that the number of prisoners in the kingdom, for debts and crimes, were above 60,000; but this part of Harrison's statement Dr. Copplestone leaves behind, because it would have destroyed his argument altogether, and takes just as much as he can make to suit his purpose.

It would be idle to trace this miserable perversion of fact and reason further, except that the next statement refers to the effect on the condition of the labourer, of the rise of prices in our own times. A contrast is drawn between the rate of wages and the price of provisions now and at the commencement of the past century. "A comparison," it is stated, "of the price of provisions with the price of labour in the first twenty years of the eighteenth century, and the last twenty years before the termination of the war, would exhibit nearly the same melancholy reverse of fortune to the labourer as we found in comparing the reign of Henry the 7th with that of Elizabeth. The price of provisions advanced about fourfold, whilst that of labour was not even doubled. Generally speaking the first might be said to have become as seven to two, the second hardly as three to two:" [Second Letter to Mr. Peel, p. 83.] And then he asks, "can we wonder therefore at a scene of helpless parents, starving children, &c. &c. all of which is imaginary as applied to the period of the war and of high prices." There are in this statement two facts given, with an apparent attention to accuracy; and they are both of them false; the price of provisions did not advance fourfold nor as seven to two; and it is not true that the wages of labour advanced hardly as three to two. The average price of corn for the twenty years referred to, beginning with 1701, was 2*l.* 4*s.* a

the whole of the difficulties which we now experience. I ask, what has been the cause of this great reverse? What event, what cause, what measure, affecting alike all the great interests of the country, can be shewn to have been then in existence or operation? I point out that measure; I refer to the alterations we have at this same time effected in our currency, and, I show that that is an operation necessarily affecting alike every one of the great interests of the country, and which could not have been by possibility effected, without producing that fall of prices, and thence that complete and general reverse and distress which we witness. I have maintained, sir, that with the present system of circulation, and whilst it continues, the prices of this country must be governed by, and must nearly approximate to, the scale of prices on the continent. That none other can by possibility exist. All this leads to this further conclusion, that the difficulties and distress of the country have been occasioned by the measures of the government and the legislature; that they are subject to our control, and are within our power to remove. Let the House consider, then, the responsibility under which it acts. A more important duty, a heavier responsibility, has never devolved on any government, than that which rests upon this House, whenever this great subject comes in any way under its consideration, than now rests upon it, when we are about to adopt a step which pledges us to a further perseverance in these measures; which renders their abandonment more difficult, and probably increases their pressure. If we believe that the present measures are dictated by necessity, that they are dictated by a regard for justice, it at least is necessary that we should inquire what the grounds and nature of that necessity is, which dictates a course destructive of the best interests of the country, and of that justice which demands so great sacrifices and so great sufferings. The cause of the difficulties of the country is, I repeat it again, within our own power to remove, and that by a measure, not dubious in its operation, of which we have had the benefit of recent experience, and which, whether just or unjust, has had the sanction of its adoption by the present government within the last few years. That measure is, to give back to th

quarter, and its average price for the twenty years before the termination of the war was not either 7*l.* 14*s.* or 8*l.* 16*s.* a quarter. What the advance in the wages of labour really was, it is difficult to estimate, but without any inquiry, it is perfectly clear that the advance in the money wages of labour, within the last 100 years, has been more than as three to two; and so much and greatly more as to take away all weight and authority whatever from a person who is so utterly uninformed on the subject as to be capable of asserting it.

The annals of the poor are at all times short and obscure; what their real existing condition at any time and place is, is never generally and seldom accurately known. It is not easy to know what even the money wages of labour are at any particular time; and there is nothing more difficult, nor more unsatisfactory than to determine what the wages of labour, and the condition of the poor have been at remote and distant periods. We have only a few scattered facts to guide us, and these, unaccompanied with particular circumstances connected with them, are frequently more calculated to deceive than inform us. The wages of labour differ more than is apt to be considered at the same time in places a little distant. Adam Smith observes, that the wages of labour in 1775, were 1*s.* 6*d.* a day in London and its neighbourhood; 1*s.* 2*d.* to 1*s.* 3*d.* at a little distance from London; 10*d.* at Edinburgh; and 8*d.* through the greater part of Scotland. In those remote periods, when the land was ill-cultivated, there existed no regular employment for labourers; the harvest on a considerable farm was usually, in those periods, begun and ended in one or two days, with the aid of as many hundred labourers collected for that purpose, and who were left without employment when that task was ended. To compare wages for this labour in a state of things like this, with the wages of labour when a better and more extended system of cultivation afforded more regular employment, necessarily shows nothing, without a reference to the altered circumstances and cultivation of the country; and the leaving these out of consideration appears to have been the absurd course which, in part, has led Dr. Coplestone to his conclusions.

There are however obvious circumstances connected with the condition of the labouring classes, universally observed and known, and which are sufficient to convince us that during the late war their condition was highly prosperous. We know that their numbers did never at any period so rapidly increase; we know also that the diet of the lower classes became better, more wholesome and nutritious. Bread made from the inferior species of grain, oats, barley and rye, became every year more disused, and was at length only to be seen in some few, and those very poor and remote districts.

country that standard of value, and that amount of circulation, in which its debts, and taxes, and engagements, have been founded, and in which alone they can be discharged, or ought in justice to be discharged—that standard in which our taxes have been imposed, our debt accumulated, to which all the expenses of the government have been proportioned, to which all its pay and salaries in every department, all its pay and salaries in every department, civil, naval, and military, have been apportioned, on which the taxes, the mortgages, the private engagements of the whole community have been founded. It is a measure virtually and precisely the same as this, by which the government relieved the country from the distress of the years 1815 and 1816. The government at that time drew from the bank of England, and returned to the circulation of the country, eight or ten millions of Bank notes, which they had previously drained from the circulation and returned to the Bank; the country bankers re-issued their notes on that foundation, as they must necessarily do; the amount of circulation being increased, its value lessened, it became depreciated; all prices rose, and the country being once more in possession of that standard in which its burthens were imposed, and its engagements contracted, it was again seen, that those burthens could be discharged without difficulty; nor did that difficulty again occur, till the war standard was again departed from, and the present system of circulation adopted.

Is it possible to doubt, that a similar measure now adopted would be followed by precisely similar effects? It admits of no doubt or contradiction. It would be absolutely impossible to adopt a measure so simple in its nature as this, to re-borrow from the Bank that same eight or ten millions which it has, since 1818, under the dictation of this House, been employed in repaying to the Bank. It would be impossible for this operation to be effected without its being followed by this consequence, that every class of the community would find their difficulties removed. It would be followed by a high scale of prices, which would at once enable the agricultural community to discharge their rents—whilst the labourers, the manufacturers and the merchants, would at the same time receive employment, and high and remunerating prices, which would enable them to carry on their operations and interchange their productions with advantage and profit. It would be followed by a productive state of the revenue—which would remove at once all anxiety as to the state of public credit, and give us shortly a real and efficient sinking fund without additional burthens on the people, which would rapidly cut down the amount of our public debt. What are the evils to be set against these advantages? advantages not to be lightly estimated by the government of this country in its present situation; nor, particularly, by those gentlemen who have taken a conspicuous part in urging those measures, and on whom a great responsibility rests. The evil is shortly this—we should lose, not the metallic standard of value, but one of two metallic standards. We should lose the metallic standard of 4*l.* and gain a metallic standard of 5*l.* In that consists all the evil and all the danger. We should lose an obsolete, an antiquated standard, not connected with the present state of the country nor with its great interests, and should gain that precise standard of value which properly belongs to the present state of the country and is the standard of the present generation that now exists within it. We should gain the advantage of possessing a metallic standard of value on the permanence of which we could rely; an advantage which at present we do not possess; for there is no individual amongst those even who are the advocates of the present standard, and who esteem, amongst its advantages and as a compensation for its mischiefs, its invariability and its permanency, there is no individual amongst those advocates, who, observing the difficulty with which it is imposed on the country, would venture to say that he can rely on its permanence. No man in his senses can rely upon it for three months. An individual would be insane who should make a final distribution of his property by will or lease depending on the continuance of the present standard of value; and in fact the instances are numerous in every man's observation, of persons being deterred from executing wills and leases, on this very ground — that they cannot expect the present standard to last. But against this alteration of the standard to 5*l.* a cry of injustice has been raised, and of a breach of national faith. A great injustice was perpetrated in this country in

the year 1797. That injustice was consummated, was rendered complete in the year 1811. The effects of the former measures, undisguised, manifest in all their consequences, came then under the review and the deliberate consideration of the legislature, and received the deliberate sanction of this House. What had been before a mere depreciated paper, became, by the act of parliament of 1811, the existing and the only existing legal standard of the country, for every purpose to which a standard of value is essential to the interests of the people. Every individual was compelled to submit to have his debts, his rents, measured to him in that standard. A still greater injustice was again perpetrated in 1819—unless the raising of a standard of value be a less injustice than to lower it—that was, a measure which combined and concentrated the accumulated fraud of both the former measures and of twenty years, and possessed not one of the advantages of those measures. In fact, the monstrous amount of wrong attempted by the measure of 1819, will render it impracticable and ultimately ineffectual. Against all of these three measures I am perfectly satisfied to see the indignation and the opprobrious epithets directed, of those hon. gentlemen, whose indignation is excited when they speak of governments that have woked injustice by an alteration of the national standard. A great injustice was perpetated in 1797; it can be justified by notling but necessity, if such necessity existed without that it can never be sufficiently reprobated,—but that injustice having been committed, having been completed and legalized by the act of 1811, I deny that it could in any manner be remedied by a still more monstrous mass of injustice and fraud committed in 1819 on a different body of men. The annuitant, the public creditor of 1797, was paid off, his debt was discharged, the fraud which he had suffered had been completed, he had become the leaseholder, the landholder of 1820; and having defrauded him in one capacity, in 1797, will you, under the pretence of doing him justice, defraud him again in another capacity in 1819? And is it to a system of justice like this,—perverted, crooked, sophisticated, degraded—justice in the abstract, robbery in the individual instance, national justice founded on individual wrong; a system which, under the name of justice, is a system of complicated and enormous wrong—that we are called on to sacrifice the best interests of the country? We had lost for a long period the metallic standard of value. It was altogether disused in this country—for the fourth part of a century nearly it did not exist. Into that period were crowded the events, the exertions, the debts, the taxes, which might have sufficed for ages. And when at the expiration of this period we come to restore to the country the metallic standard again; at the end of this period of wars, of loans, and taxes, shall we think that we can do so by a blind reference to any former rule, and without any regard to the circumstances which have intervened, or any consideration as to what is the present existing state of the country? Can we regulate any one of the great interests of the country, or the great establishments of the government, by a reference to the rule of 1793? Can we place our military establishment, our naval, ordnance, any of the civil departments of government—can they be regulated by a blind reference to their footing in 1793? If we cannot do that with any one of these great establishments, if there exists nothing else in the country which we can reduce to or place upon the footing of 1793, how is it that we think that our standard of value alone, that with which all these great establishments and great interests are so intimately connected, with which they have all been made to correspond, on which they all mainly depend, can be regulated by a blind reference to a former rule, and placed without any consideration as to consequences on its ancient footing?

I have now finished these remarks. We have before us the choice of either attempting to adhere longer to the present standard and present system of measures, and encountering the dangers and sufferings connected with it, or of abandoning that system altogether, and restoring at once the prosperity of the country along with a permanent metallic standard, which, when once established and connected with the returning prosperity of the country, we may guard by whatever precautions we can suggest. The hon. gentleman, the member for Taunton, has suggested to the House a measure which, as I understand it, would, without abandoning the ancient standard, alleviate to some certain, though not a

great extent, the severity of its pressure. It would go, as I understand it, to enable a scale of prices to be kept up six or eight per cent higher than can be sustained during the continuance of the old standard, unaccompanied by the measures he proposes; and this I have little doubt of, because I am convinced of this, that by our system of bullion payments now adopted, and by our rendering legal the exportation of coin, we have in fact raised our standard of value higher, by perhaps two per cent, than the standard that antiently existed, or that has ever existed in this country. So far, therefore, we can go without abandoning the present system. But beyond this without abandoning that system altogether, we can do nothing. Any other attempted measures of relief would only excite and deceive the expectations of the people, without relieving their distress. If we determine on persevering in our present system, we have no other alternative than to remain passive spectators of that great and severe, though silent and at present patient struggle, which is going on throughout the country, between its productive population, and the burthens by which it is oppressed. In this struggle we can render them no assistance. We are restricted by a law of our own imposition. We can only wait with patience to observe what the next process will be of that great experiment, as it has been called, which has overwhelmed the people of this country in greater calamities, severer sufferings, and more extensive ruin, than, it is my firm conviction, have ever before been brought on any civilized community by the measures of any government. We must await its next process, whether it will show us, as is by many hoped, a gleam of returning prosperity, founded on the permanence of the present monied system, and the present scale of prices; and which prosperity, if it take place, must be founded also on the destruction of a great part of the present generation —on the consigning to the gaol and the poor-house a great proportion of the most meritorious classes of the community, of those most deserving the protection of the government, of the farmers, the smaller traders and manufacturers of the country; and thus, by affording an opening to another race to enter into their establishments, unfettered by their contracts and engagements, to give them an opportunity of engaging, with some better chance of ultimate success, in what must still prove a severe and doubtful contention against the unmitigated rigour, the inexorable pressure of the public burthens of the country. This is the favourable view of the prospect before us; but its probable termination—that I am convinced it is not. I am convinced, that the more probable termination of the existing state of things and the present struggle, is this—that it will terminate in a sudden and a violent catastrophe, too sudden and too violent for resistance or remedy, which will prove destructive to the public credit, and dangerous to the safety of the state.

The *Chancellor of the Exchequer* said, that he had been often called upon in repeated discussions in that House to return to the old metallic standard, and frequently reproached as one that prevented that desirable return to the ancient currency from being realized: he was reproached on the ground of supporting an artificial system, destructive of the public credit and the public prosperity, and entreated to support the ancient legitimate standard. He had never any other opinion than that it ought to be supported, and believed it would never have been departed from, but on account of the pressure of circumstances, which established a strict and overwhelming necessity, a necessity that was not to be controlled or resisted; but although that standard had been so departed from, it had never been lost sight of; and accordingly, when circumstances allowed its readoption, it was solemnly restored. He was now called upon to accommodate that standard to engagements contracted during the war. He would ask what was the standard of 1797? precisely that of the war which ended by the peace of Amiens, and which the act for the resumption of cash payments proposed to restore. After the peace of Amiens the price of silver rose, and an alienation took place between the paper and bullion value, but it was not very perceptible till after some time; afterwards the standard varied year by year, month by month, and sometimes post by post. Now he wished to be informed, which of those fluctuating standards was it that the hon. member would fix upon for the fulfilment of our war engagements? Were these engagements to be fulfilled only in part or altogether? If the whole were intended

to be fulfilled, he would be glad to know, if an adherence to the standard of any precise period, in a time of continued fluctuation, could realize the object proposed? Those hon. gentlemen who advocated such a project, would be guilty of a glaring injustice, even on their own showing, whatever period they might fix upon, since the time he had mentioned. A time came when he thought that the engagements formerly made were to be put in the way to be discharged. A return to cash payments was called for by all —none doubted the propriety of that return. The only doubt was as to the moment when it should begin to operate. The peace followed, and that very standard was restored, at which by another process, the country had again arrived. A second depreciation took place, which probably arose from the large loan which government had of the Bank, on account of the repeal of the property tax. It was never very considerable. If they were now to adopt the standard of 1818, when the price of gold was 4*l.* 1*s.* or 2*s.* which was five or six per cent above the antient standard, he would ask if five or six per cent would afford such a relief as would make it worth while to sacrifice the public faith and public honour, as pledged by the act of 1819? They had now come into complete possession of the antient standard, and to recede would not be a prudent change of measures, but an instance of childish caprice. It would be a wanton injustice to every engagement made in the present expectation of a metallic currency, and would occasion debts contracted, when the price was 3*l.* 17*s.* 10*d.* to be paid as high as 4*l.* 4*s.*, or 4*l.* 10*s.* It was better to avoid those anomalies and capricious alterations, and stand firmly to the resolution which they had so deliberately taken. If the act of 1819 had not passed, and they were asked to adopt such a measure as that now proposed, it would not be so bad; but when they were asked to recede, it was a very different thing. The faith of parliament was now pledged, and no case was made out to prove a necessity for violating it. It was true, the hon. member for Taunton had not pledged the House to any thing: he had, with great dexterity, proposed that it should be referred to a committee to reconsider the provisions of the act, which he had himself been instrumental in recommending. But the hon. gentleman who followed him had gone much further, and had stated his project to reduce the standard to what it had been during the war. The hon. member for Taunton had nevertheless some other suggestions to make, though he had abandoned the remedy he formerly proposed; and what remained was a suggestion for so lowering the standard as to mix a silver with a gold currency, by making silver legal tender to any extent, however unlimited. True it was, that in this proposal he was justified by the antient usage of the country; but from the date of sir Isaac Newton's report in 1721, when the price of the guinea was fixed at 21*s.*, the silver currency had not in fact been a legal tender. It had been limited still further in 1763; and in 1774 it had been restricted to 25*l.* The circulation of silver was now plentiful; but by law its use was principally confined to the subdivision of paper and gold. The hon. member for Taunton had maintained that a silver as well as a gold standard would give relief to the extent of 7 per cent; but in the first place, he was mistaken in the price for which he could now procure silver: the lowest price was 4*s.* 11½*d.* per ounce: and, in the next place, it was undeniable that a standard in one metal was more perfect than in two. It was admitted by all writers on this subject, that any metallic standard was imperfect from the fluctuating nature of the material; but if two metallic standards were adopted, of course the imperfection would be doubled.—On the whole, he saw neither justice nor policy in the proposition. In ordinary transactions a creditor would seldom be able to avail himself of the advantage, while a new opportunity would be afforded to speculators of playing with the precious metals, and taking advantage of their price. It ought to be recollected, that whatever distress arose from the low price of com modities, was not confined to this country [hear!] it was felt elsewhere, especially in America, where the reduction on flour was greater than that we had experienced upon wheat. The same depression prevailed in the article of cotton. At least this condition, therefore, was not owing to the act of 1819, but was produced, nearly in all parts of the world, by much more general causes. One of those causes, perhaps, was the two successive and productive harvests; and if they were continued, either the price of grain would

be still further lowered, or the growth would be diminished. The question was, whether the existing degree of inconvenience, difficulty, and pressure, had not been foreseen by the committee of the House on this subject, and whether parliament ought now to retrace its steps, undo all that had been done, and again embark on the troubled waves of an uncertain and fluctuating currency. It could not be denied that any hesitation or doubt on the subject was productive of difficulty. During the sitting of the bullion committee all business was paralyzed: and was the same state of uncertainty now to be restored, instead of persevering in a course that had been sanctioned by the almost unanimous voice of parliament? He by no means shared the terrors of the hon. gentleman with regard to the revenue. The returns for the last quarter made up the other day showed that the sources had been, on the whole, more productive, allowing for the malt tax, than the corresponding quarter of the preceding year. It was known that the consumption of almost all exciseable articles had increased, and was likely to increase. He admitted the error in a former return, which stated the quantity of wash instead of the quantity of spirit; but that did not of course affect the accuracy of subsequent accounts. Upon the whole, there was much more reason to hope that the pressure of distress would be alleviated by persevering steadily in the course marked out by parliament, than by adopting any new and untried projects. Above all he pressed upon the House, that the danger and inconvenience of again agitating the question might be boundless and irremediable. If the system at present adopted were abandoned, no confidence could in future be reposed in the most considerate decisions of the legislature.

Mr. *Grenfell* expressed his surprise at the contradiction between the principles advocated by his hon. friend the member for Taunton on a former occasion, and his practice on the present. His hon. friend had formerly supported the necessity of placing our currency on a basis which nothing could shake, and he now made a motion to refer the whole question to a committee, the effect of which would be to set all afloat again, to undo every thing that had been done, and to replunge the country into all those embarrassments and all those fluctuations from which so great an effort had been made to rescue it. Conceiving that this would be a great national evil, he should certainly oppose his hon. friend's amendment.

Mr. *Monck* was of opinion, that the cause of all the distress which existed in the country might be summed up in these two principles—the pressure of excessive taxation, rendered still more heavy by the attempt to return from a false and fictitious, to a sound currency. But however much we might feel that for a time, it would be better than to return to that unsound state of our currency from which we were now emerging. The question now was, whether, owing the immense debt which had been contracted for the country, we should pay it in a debased or in a sound and metallic currency. On this subject, he thought the conduct of ministers had been most reprehensible. The chancellor of the exchequer had induced the House, ten years ago, to come to a resolution, which certainly he considered a disgraceful one. He had proposed, and the House had adopted the proposition, that a pound should not be taken for less, nor the guinea sold for more than its nominal value; and upon this, soon after, an act was passed, making it a misdemeanor to take more than 21*s.* for a guinea in gold, or less than 20*s.* for a pound note; and at the very same time it was well known that a guinea in gold continued to be bought in the market for 28*s.* Not only was this the fact, but the government itself was the principal purchaser of guineas at that price, for the purpose of sending them over to pay our troops then on the continent. He called for a contradiction of this if it were not the fact. It was impossible to disprove it: if it were necessary, he could bring proof of it to the bar; for, within the last three days, he was in conversation with a person who was employed on that occasion; so that the law-makers on that occasion turned out to be the first and the principal law-breakers. He held in his hand a calculation of the variation in the prices of corn and gold, taken at periods of four years at and since the first Bank Restriction act. In 1797 the price of corn was 62*s.* the quarter. In 1801 the price had risen to 71*s.*, nearly an increase of 15 per cent, and yet the price of gold continued the same. In 1804, corn rose to 75*s.*, but still there was no variation in the price of gold. In 1808 corn was as high as 79*s.*,

and then gold rose for the first time to 4*l.* the ounce. But the next and greatest rise was in 1812. Corn in that year was 105*s.* the quarter, and the price of gold, (taking the average of the whole year, for one time he believed it was as high as 5*l.* 10*s.* per ounce) was 5*l.* 5*s.* 6*d.* the ounce. From this calculation, the House would perceive, that though corn between the years 1797 and 1812 rose from 62*s.* to 105*s.* or about 100 per cent, yet the price of gold never increased above 27 per cent. If this reasoning were true, nothing could be more fallacious than the argument of the hon. member for Portarlington, as to the difference between the real prices of paper and gold. That hon. member was correct in saying that there was only a difference of 4 or 5 per cent in the price of gold as compared with paper; but then he only viewed one side of the question, and left out of his consideration altogether the depreciation of paper as compared with commodities. The hon. member on a former occasion, had also left out of his view the issues of country banks. Now, it could not be denied that, if a great reduction took place in the price of the produce of the land and other commodities, it must have an effect in diminishing the circulation, because the same quantity could not be absorbed that was before required. This was proved from the reduction in the prices which had taken place in the last three years. It had produced a diminution of the issues from country banks. In 1818, the stamp duties on country bank-notes amounted to 165,000*l.* In 1819 they were only 64,000*l.*, and in 1820 they had been reduced to 54,000*l.* There was then, a question, whether things would not go back to the prices at which they were when the restriction commenced, and the unsound currency as he would call it, began to be circulated. They would, if in the interim we had stood still in our expenditure; but had we stood still? Had we not gone on during that time in a most lavish system of expense? Had we not increased our debt from 300 to nearly 1,000 millions, and did we not still continue most enormous civil as well as military establishments? Had we not a vast increase of settled salaries and other claims upon the public income. amongst which he would particularly notice the immense and extravagant civil list we had voted. All these were reasons why things could not return to their former standard, with the return to cash payments. When that measure came to be in full operation, there would be a great demand for gold. The Bank of England he was aware was rich enough, and no doubt would be willing to pay gold; but would that be the case with the country banks? He said no; he would say for the country banks that they had not 1,000*l.* in gold, to pay the fifteen millions of their notes in circulation. He did not mean to say that they were not solvent;—far from it; for he had no doubt they had funds. But how were they to get the gold? They would endeavour to get it by the sale of exchequer bills, and other government securities; and the consequence of bringing such large quantities into the market (for it should be borne in mind that gold must be the price of all) would be, that the stocks would have a very considerable fall for the time, and foreigners would be sending over their gold to purchase at such prices as many here would be obliged to sell. This would have perhaps the effect of rendering England, instead of the dearest one of the cheapest countries in Europe. That would be a great blessing, if it were not for the enormous expenses and the many fixed salaries which the country had to pay. These would still continue it one of the highest taxed countries in Europe. There would, as he had already observed, be a great demand for gold when the present measure came into operation. Many individuals after so long a Lent, and not having been blessed with the sight of a guinea for so many years, would be anxious to receive it in payment in preference to paper. Some would be glad to call for it from curiosity and the novelty of the thing; and others would, from motives of speculation, endeavour to possess it; but there was, he feared, a large portion who would be inclined to demand gold rather than paper from motives of malevolence, of which he believed there existed a great deal in the country. It would not be regular for him to say, that the parliament were at war with the people; but there was, he believed, a large portion of the people at war with parliament, and they would take gold to annoy government. They were now convinced that the best way to do that would not be to attack the Horse Guards. They would by such means endeavour to attack the exchequer, as the more vulnerable point. He had pointed at those inconveniences which, in

his opinion would result from the measure before the House; but he could not point out how they were to be remedied. At all events he felt satisfied that the motion of the hon. member for Taunton would not be a remedy. One good effect, and one alone, he was certain of—the difficulties of our present situation would be a salutary lesson to us never again to tamper or play tricks with so sacred a thing as our metallic currency.

Mr. *Ricardo* said, he would not have troubled the House if he had not been so pointedly alluded to in the course of the debate. He was not answerable, he said, for the effect which the present measure might have upon particular classes; but he contended that if the advice which he had given long ago had been adopted—if the Bank, instead of buying, had sold gold, as he recommended—the effect would have been very different from what it was at present. It was impossible, on any system of metallic circulation, to guard against the alterations to which the metals themselves were liable; yet all the complaints they had heard that night referred to the changes in the value of the metals. When the measure of 1819 had been adopted, they had known that the alteration that it would make between gold and paper would be 4 per cent: yet with that knowledge, they had, in all the difficulties with which they were surrounded, recommended the measure. The hon. member for Taunton had entered into a speculation on the subject, as if a gold standard had been an innovation of 1819. But that standard had been adopted some time between 1796 and 1798. Up to that period, gold and silver had been the standard. The chancellor of the exchequer had laboured under a mistake when he had said that silver had been a legal tender only to the amount of 25*l.* It was true that that had been the utmost amount in the degraded currency of the country; but a man might have gone to the Mint with his silver, and 100,000*l.* might be paid in silver of standard value. This, however, had never been any man's interest. But gold had been carried to the Mint, and gold had, in fact become the standard. The change in the relative value of the metals had taken place in the period he had mentioned between 1796 and 1798; and large quantities of silver had been carried to the Mint, in order to profit by the state of the law, and the relative value of silver and gold. If government had not interfered, a guinea would not have been found in the country, and silver would have been the standard. The government, aware that there would be one silver currency of degraded value, and another of standard value, had by an act of parliament, he believed, shut the Mint against silver; and he asked whether gold had not then become the standard? If the Bank had not bought gold, contrary to his opinion and recommendation, gold would not have risen. But it was only an assumption that gold had risen. When the relative value was changed, what criterion could they find, to show, whether the one rose, or the other fell? His hon. friend (Mr. Baring), who had been examined before the committee with the attention which his high authority demanded, had strenuously recommended a gold standard as less variable than a silver standard. Yet he now stated, from his experience in France, that silver varied very little. His hon. friend's theories thus changed very often; his own were unchanged, though he had been represented as moving with the vibrations of a pendulum, and entertaining views of placing the currency in a degree of perfection not suited to our situation. His hon. friend had himself the same views of the perfection of the currency; and he regretted that his hon. friend had not continued to entertain those opinions. His hon. friend had spoken of the danger of keeping men's minds in a state of uncertainty; yet he constantly came down to the House with new speculations. The evil of uncertainty and alarm could only be got rid of by parliament being determined to adhere to the measure they had adopted. Such speculations coming from so great an authority as his hon. friend, were calculated to do much mischief. It had been stated, that we could not get labourers to consent to a fall of wages, and that they ran away with the capital of their employers. By altering the value of money, it was very true that they altered the distribution of property. By increasing the value of the currency, the stockholder received greater value, and another paid more. With rents it was the same: the landlord received more value, and the farmer paid more. Thus the distribution of property was always altered by the alteration of the currency. It was quite possible that this alteration might occasion a glut of certain commodities in the market.

For instance, a clothier might bring to market a certain quantity of superfine cloth when prices were at a certain rate; if the clothiers should come to receive more money than before, and their labourers to pay more, it was not likely that the labourers should require so much superfine cloth as those whose property was diminished by the change in the currency had required: the consequence would be a glut of cloth in the market. By altering the distribution of property thus, an alteration would be made in the demand for some commodities; there would be a deficiency of supply to the new taste which came to the market, with the increase of property: and there would be too much for the taste whose resources had fallen. The hon. member for Callington (Mr. Attwood) had ascribed the variations of prices in all commodities to the currency. He begged the hon. member to look at the variations in the prices of corn during the last century, and connect them if he could with the currency. Corn had risen or fallen forty or fifty per cent when no alteration had taken place in the currency. The low price of corn was to be ascribed to the very large importation from Ireland, to the productive harvest, to the very great abundance of corn that was in the country. The demand was limited, because no man could eat more than a certain quantity of bread. If there was more than the usual and ordinary quantity in the market, the price must of necessity fall. We had no outlet for corn, because our prices were higher than in any other country. If the variations in prices were owing to the money standard, which he denied, all countries must have been affected by similar variations, and he wondered that his hon. friend had not told them his experience in that respect in France, America, Russia, Spain, and other countries. But if the variations were owing to what he (Mr. Ricardo) had stated, it was not fair to impute them to the act of 1819. The chancellor of the exchequer had said gold had not risen before the peace of Amiens. This was not quite correct. It had begun to rise in 1799; in 1800 it had been 4*l.* 5*s.*

Mr. *Gurney* said, that several hon. gentlemen, in the course of these discussions, had professed themselves shaken in the opinions they had at first entertained. For himself, every thing had gone to confirm him in that which he had stated in his place in 1818, and to which he had uniformly adhered, he feared with somewhat of an ungraceful pertinacity. He had always expected, the measure of recurring to a standard which no outstanding contract had been calculated to meet, would produce the distress it has done; and his surprise was, that that distress had not been still greater. In 1818, he had thought the sovereign ought to pass for 21*s.*—and he thought so still. Gentlemen, from the first, seemed to forget, that all the tamperings with the coin, in former times, had been effected whilst the coin was in actual circulation—in which case the breach of faith was manifest;—but, in the present instance, the fact being obviously the reverse, there would be no breach of faith at all. The passing the sovereign for 21*s.* would be a great relief to the country—as acting in the nature of a property tax of 5 per cent on monied capital alone—assessing itself exactly in the proportion in which every man became possessed of money—and giving a spring to the nominal prices of all commodities which they much needed. The arguments of the hon. gentleman (Mr. Baring) went moreover to prove, that this measure was now imperiously called for, from the relative values of gold and silver in the market—which, if so, seemed to be definitive as to the propriety of making the arrangement, even thus late, previously to the issue of the gold coin. But whether such alleged alteration in the comparative value of the two precious metals existed, or not, Mr. Gurney maintained it would be a measure of justice, as well as of expediency. He felt with the right hon. the chancellor of the exchequer, the great evil of unsettling and agitating the public mind by the appointment of another committee; and he wished the hon. gentleman had rather thought fit to have made some direct proposition to the House—which his unquestioned knowledge of the subject would have enabled him to do:—but, in a choice of difficulties, in this last moment, he should find himself compelled to vote for the hon. gentleman's motion.

Mr. *Ellice* said, he had offered himself to the House immediately after his hon. friend (Mr. Ricardo), not to controvert the principles he had stated, in most of which he concurred, but to deny the correctness of his statement, that the depreciation of property occasioned by the measures of 1819, did not exceed 4 to 6

per cent. On that subject he entirely agreed with his hon. friend who had made the motion, and the hon. gentleman who had seconded it, for whose speech, although he knew some of the doctrines contained in it were rather unfashionable in that House, he felt sincerely obliged to him. A great deal had been said about the standard in which we had bound ourselves to pay the debts we had contracted, and the chancellor of the exchequer had stated, it had been always understood we were to satisfy them in the old standard. He wished to know from the right hon. gentleman, which standard he referred to—his standard of the pound note in 1811?—without reference to its relative value in coin, or the standard which had been established in 1819? With respect to the present motion, he feared he must vote against it, although he did not desire to recede from the opinion he had so often stated that 5*l.* 10*s.* would have been a much fairer standard to adopt than 3*l.* 17*s.* 10*d.* He now feared it was too late to look back—and what he was then obliged to submit to, he was now disposed rather to support than to reagitate the country with new schemes of alterations, when the effects of the former ones had been in a great degree borne by many important interests in the country. When he said this, he begged to be understood as adopting none of those sanguine expectations which others entertained of the result. On the contrary, he looked at what we had hitherto suffered as only the symptom, and that we had yet to contend with the disease. The effects felt by other classes of the community had been severe, but still had been suffered; and those who had paid their quota of the burthen inflicted upon them by the restoration of the standard, could not be relieved by any alterations now proposed. The landed interest had yet to bear their share of the difficulty. After the present question was disposed of, the farmer must be relieved by abatement of rent and taxes—for he might then bid adieu to what were called in the jargon of the day, remunerating prices—a term which had been brought in with a paper currency, and without which he must look to a price not much exceeding that of the grain grown in other countries. The landlord must, like all classes of society, pay his share of the penalty for encouraging the system of the government for the last 20 years, and from the results of which, after the decision of the House in 1819, it would be in vain for him to hope to escape. After so much mischief, and he would add, injustice, had been inflicted, irretrievable by any alteration which could now take place, on that great proportion of the capitalists of the country, whose property was invested in different branches of trade, it was too late to turn round as we had done in 1817—to relieve by a second issue of paper, which was in fact the only intelligible relief, and which had been effectual for a temporary alleviation of the distresses of 1815 and 1816. In 1817, the amount of the Bank of England notes was raised to 30 millions, and that of country bank paper proportionably increased, and the committee in 1819 had misled the country when they stated the depreciation was only the difference between the price at which gold then was, 4*l.* 2*s.* per oz. and 3*l.* 17*s.* 10*d.* to which it was proposed to return. This depreciation, or the effect produced on the price of all commodities for the second time after the return of peace, could not be calculated at less than 30 per cent, and we were now suffering, or had suffered, from a fall in the value of property to the same extent. He would state one instance of this which had been mentioned by an hon. friend of his, who had shown him the account of liquidation of a commercial establishment, which had in 1817, 18, and 19, invested 360,000*l.* in actual cost of merchandise and shipping in their trading operations. This property had been reduced by depreciation and fall of prices, to 120,000*l.*—all that remained of the immense capital invested, and, which was more extraordinary, not a shilling had been lost by bad debts; and, as the transactions had all taken place since the restoration of peace, they could not have been effected by the transition of which they had heard so much. How many other instances of a similar kind must have occurred, the House might collect from reference to the fact, that the value of ships, and almost any staple commodity used in our trade or manufactures, had fallen from a third to a half. What might be the final result of all the distress and difficulty which the paper system had inflicted on the country he could not pretend to estimate; but we were now fairly embarked in a course to ascertain them, and he dreaded the possibility of a conflict of which they had already seen

some symptoms between the landed and funded proprietor, as to the share which each should bear in the general calamity. If such a conflict should unfortunately take place, it must lead to a revulsion in which equity, justice, good faith, and all those lofty feelings of which they had lately heard so much, would be sacrificed to the particular views of their own interest, entertained by the different parties. Sophistry would not be wanting to reconcile to each the conflicting opinions, which under other circumstances they would have shrunk from the promulgation of. And when once principle was departed from, the security of property, and the best interests of the country, must take their unequal chance in the general confusion. One of the most baneful consequences, first of the vast creation of monied capital by the paper system; and secondly, of the great comparative depreciation of all other property, was, the increased influence of the monied interests on the institutions and government of the country. In 1815, the last year of the property tax, and when prices were nearly at their highest stretch, the landed income was assessed at 37 millions, the funded and other fixed annuities, at a sum very much under their present amount. The 37 millions would be reduced before we arrived at the full extent of depreciation, to precisely half the amount; while the other, having been considerably increased, and remaining fixed, will be nearly doubled. He wished to draw the attention of the House to the effect of this silent revolution on the political relations of the empire. That would be seen most clearly by looking to what had taken place during the recent proceedings instituted against the Queen. Until those proceedings had produced discontent and irritation against the government among the great mass of the population, the feeling of their injustice and impolicy was universal even among the fundholders. But as soon as that discontent and irritation became clearly manifest, the fundholders, who were before inclined to blame government for having instituted measures calculated to disturb the public security, on which their success and well-doing depended, turned round to meet a greater danger, which they fancied to be rising up against them in another quarter. He mentioned this fact, to show how the measure on which they were then deliberating had operated upon the political interests of England. This he was afraid would be the last occasion on which the House would have an opportunity of expressing its opinions upon the great and important question then before it. He thought that it might with safety have undergone some modifications; but rather than open it again for public discussion, he would submit entirely to the measure of 1819, conceiving it to be a less evil to do so than to inspire the public with a hope that parliament would deviate from the system to which it had then so solemnly and so deliberately assented.

Mr. *Pearse* thought there was no necessity for going into a committee on this subject, after that House had given such ample deliberation to it. He was convinced that it was the political events of Europe, and not the report of the committee of 1819, which had brought about the state of things so much complained of. For some time there had been a very steady favourable exchange with foreign countries; and being satisfied that this would continue, he should vote against any further revision of the question.

Mr. *Irving* corroborated the statement of the hon. member for Coventry, respecting the losses sustained by those whose speculations had commenced in the years 1817, 1818, and 1819. He had seen a statement of the concerns of a mercantile House, which had vested 360,000*l*. in ships, ventures at sea, &c. which were in a short time afterwards valued at 292,000*l*., but did not, in fact, realize more than 142,000*l*; so that the difference between the estimated value and the produce was 50 per cent, and the total loss to the owners 60 per cent. He gave this as a proof of the effects of this measure upon commerce; and he would be a bold legislator who, knowing these results, would have ventured to propose such a measure. The House ought to be much indebted to the hon. member for Callington, for the very able speech which he had made—the effect of which would be, not only to make the House, but the country at large, turn their attention to this most important subject. He did not think it expedient for the House to review this subject, with any view to depreciation of currency; because it was not from a view of depreciation of currency that any advantage could be derived, but from augmentation of circulation, which he now thought too little.

Some hon. members might say that he had changed his opinions, but he did not think that he had ever given an opinion except in favour of a return to a metallic currency. He neither agreed with the measure nor the mode proposed for carrying it into effect; his chief objection was, to the apprehensions likely to be created in the public mind. In 1819, when this country had arrived at the highest pitch of prosperity by trade, the apprehensions excited by this measure, even before the object of it were known, had the effect of depreciating every commodity at least 20 per cent. He should agree to the appointment of a committee, were it not for the alarm which such an appointment would create. With respect to the proposition of having two standards, he had considerable objections to it. He thought we had mistaken the metal for our standard, because silver was the metal of those countries with which this country traded; and he did not know how we could measure our metals by a comparison with countries whose standards were different. He should therefore wish silver to be the standard, as gold was not, as silver was the money of the world. He agreed, that an abundance or scarcity of silver regulated at all times the exchange. He agreed also with the Bank directors, that the quantity of metals in circulation was too small, and he did not see that they could do better than to take care that the public should be furnished with a larger quantity of circulation, which he was sure would, in a great degree, remedy the evil; and he would wish the *maximum* in the variation between gold and silver to be one per cent.

Mr. *Cripps* said, it was admitted on all hands that some shock would be felt by the country. To make that shock as slight as possible was the business and the duty of parliament. He agreed, that to return to cash payments by degrees was the best plan that could be adopted; but, at the time that it was resolved to adopt that plan, he was not given to understand that the one pound notes were to be altogether withdrawn from circulation—he thought that it would be left at the option of the public either to get at the Bank a one pound note or a sovereign; but he was now informed that the Bank intended to withdraw one pound notes altogether—a step of which the country had just reason to complain. If it was intended as a means to prevent forgery, it would prove worse than abortive; for those who now employ themselves in forging one pound notes would, in that case, set about forging five-pound notes.

Lord *A. Hamilton* said, he would vote for the amendment, because he was convinced the subject was one which would ultimately force itself upon the attention of the House. Inquiry must come, and he looked upon the present as the most convenient time for instituting that inquiry. The House would recollect how often he and his hon. friends had, as it were, persecuted that House with motions to compel the Bank to return to a sound currency. The right hon. gentleman opposite, and those who acted with him, uniformly resisted those motions. The right hon. gentleman boldly asserted, that there was no depreciation to guard against; and there was a resolution framed by him, and supported by a majority of that House, which broadly declared that no depreciation existed. Now, however, the right hon. gentleman, with great simplicity, and certainly with great candour, talked of the great depreciation, and was willing to found legislative measures upon it. His noble friend (lord Folkestone) had been charged with abetting rapine and spoliation, because he wished the whole subject revised; while, so far from being exposed to such imputations, he was on the contrary the best asserter of public faith. It was said that it would be time enough to reconsider the claims of the public creditor when the agriculturist had paid his all. If the statements of agricultural distress were not exaggerated, that *all* had been in many instances paid, and the agriculturists were in many parts of the country pining in prison and poverty. He conjured the House not to lose a moment in considering the whole question.

Mr. *John Smith* could not agree, that the depreciation of the currency was the real cause of the agricultural distress. As a proof that that could not be correct, he had only to advert to the fact, that within the last nine months corn fell 80 or 90 per cent. whilst the currency had not depreciated at all in the same proportion. He never knew capital so easily obtained as within the last two or three years. The Bank refused no accommodation to persons who offered a fair security. In his opinion, the effect of issuing two or three millions by the bank of

England to-morrow, would merely be a reduction of the interest to three and a half per cent.

Mr. *Wilson* said, he should support the amendment. If good resulted from the inquiry, so much the better; at any rate, it would be some satisfaction to know that so important a question had not been disposed of with every possible consideration being paid to it.

Mr. *Wodehouse* thought the subject required immediate consideration. He should therefore also support the amendment.

Mr. *Hart Davis* thought the question ought to be fully inquired into.

Mr. Alderman *Heygate* said, that the real point on which the public distress hinged was the change of the currency. The bill now insisted on might drive Bank notes out of circulation to the amount of six millions, which, together with the six millions of gold locked up in the coffers of the Bank, would diminish the currency by 12 millions. How was such a diminution to be supplied? It was the policy of the Bank to return to cash payments; because it was their interest to pay off a number of small notes which had been repeatedly forged. The prosecutions occasioned by forgeries had led to great expense, which it was desirable to prevent. The proposed measure might tend to reduce forgeries, but burglaries and highway robberies would increase as forgery decreased. He implored the House maturely to weigh the question, which was ten thousand times more important than the malt tax.

The question being put, "That the words proposed to be left out stand part of the question," the House divided: Ayes 141. Noes 27. Majority against Mr. Baring's amendment 114.

List of the Minority.

Attwood, M.	Gurney, H.
Baring, A.	Heygate, Ald.
Bennet, hon. H. G.	Irving, John
Benett, John	Lethbridge, sir T.
Bridges, Ald.	Nolan, M.
Brogden, J.	Onslow, A.
Calthorpe, hon. F. G.	Shelley, sir J.
Clifton, lord	Thompson, W.
Corbet, P.	Walker, J.
Crawley, S.	Western, C. C.
Davis, H.	Whitmore, W. W.
Eliot, hon. W.	Wilson, T.
Gascoyne, Gen.	Wodehouse, E.
Gordon, R.	

The House then went into the committee.

Mr. *Baring* maintained, that prior to 1797, gold and silver formed a legal tender; and that if they did not choose now to return to the double standard, they would be perfectly justified in raising the value of the sovereign to 21*s*.

The *Chancellor of the Exchequer* expressed his belief that if the present measure did not restore them to a permanent metallic currency, it was in vain to hope success from any other.

Mr. *Baring* observed, that they would now have a gold standard distinct from all the nations in the world.

Mr. *W. Pole* entered into a short statement of the amelioration that took place in the state of the coin in 1776, and argued, that gold was then considered as the legal standard of the country.

IRISH BANK CASH PAYMENTS BILL.] On the order of the day for going into a committee on this bill,

Mr. *Grenfell* wished to learn, whether there was any foundation for the rumour, that an application had been made by the bank of Ireland for a renewal of their charter. If such an application had been made, and ministers were to accede to it the bank of England would have a good right to demand a like privilege; and when the House considered the immense profits made by that establishment, it must strike them as being a subject well worthy of their attention.

The *Chancellor of the Exchequer* expressed himself unprepared to give an immediate answer. He trusted, however, that whatever measure might be brought forward upon this subject, would meet with the approbation of parliament.

Mr. *Hume* said, that he would gratify his hon. friend with an answer. When they recollected the immense profits which the bank of England had made, and that that body was not disposed to take care of the national debt without being paid a large sum, they ought to take care that no proposition was acceded to without being brought regularly before that House.

The *Chancellor of the Exchequer* said, that the apprehension of the hon. gentleman was unfounded. No negotiation of this kind could be brought near its termination without the knowledge of parliament.

Sir *H. Parnell* said, from the manner in which the right hon. gentleman had evaded the question, it might be inferred that some foundation existed for the ru-

mour. The great question for the House to consider was the propriety of renewing the bank charter. As to the effect of the bill of 1819, it was comparatively of little consequence. He thought all the distresses since the year 1797 might be accounted for by a reference to their departure from the sound principles of political economy, by introducing a depreciated paper currency, and giving a monopoly to the Bank. He hoped the possibility of such an occurrence would be set at rest for ever by a motion to prevent the renewal of those charters.

Mr. *Baring* did not know how a great country like this could go on without a national bank. At the same time he thought that to renew the charter of a bank, of which charter several years remained unexpired, was a question of very great importance.

Mr. *Bennet* wished distinctly to know whether any negotiation had already commenced. He knew very well that if ministers came down to that House and stated that they had made an engagement with the bank, the House would at once sanction it; and therefore, when the right hon. gentleman spoke of an appeal to parliament, he begged leave to say that it was no appeal at all. In a poor country a national bank might be of great service; but in a rich and powerful country like this, he could see no necessity for such an overgrown etablishment, with their bonuses and their hangings. He traced all the evils which had afflicted the country for many years, to the proceedings adopted by the Bank and by the government. He must enter his protest against the negotiation.

Mr. *Pearce* deprecated such observations as those that had fallen from the hon. member. With respect to bonuses, they had always operated beneficially for the public; and the Bank, it should not be forgotten, had on all occasions shown themselves most anxious to assist the country. As to the number of forgeries, it was certainly a most unfortunate circumstance; but could the hon. member suppose, that the Bank had any interest in multiplying prosecutions? They did all in their power to prevent the commission of the crime; but their object was not so easily effected as the hon. gentleman imagined.

Mr. *F. Lewis* observed, that the question relative to the bank of Ireland was second to one other only, in its importance to the best interests of that country. The misery which Ireland had suffered, and the danger to which she had been exposed from the state of her currency, were too great to be allowed to press again upon any part of the united kingdom. It was time to put a termination to a system, under which nine out of twelve country banks had broken, and had involved in the severest distress the whole population of their respective neighbourhoods. He was disposed, therefore, to hail with gladness what he trusted would prove a return to the sound principles of currency—he meant the commencement of a negotiation for renewing the charter of the Bank of Ireland. If it was commenced upon a solid basis, and accompanied by salutary regulations, the greatest benefit might be conferred upon that country. It would be desirable to assimilate the law to that of Scotland, where there was no limit to the number of partners. In England and Ireland banking was a monopoly, and to this circumstance might be traced much of the evil which they all alike deplored. But that comparative security which was enjoyed in Scotland was derived chiefly from the multitude of partners. If, in addition to this, Ireland were relieved from the circulation of one-pound notes, he should think the advantage materially increased. The House ought to reflect, that although paper was economical as a circulating medium, gold was secure, and that it was cruel to expose the poor, and those who carried about them their whole property, to the loss of their wretched pittance. Upon the whole view of this question at present, he did apprehend that the chancellor of the exchequer was now pursuing the just, the wise, and the high-minded course of policy.

The House then went into the committee.

HOUSE OF LORDS.

Wednesday, April 11.

COMMITTEE ON FOREIGN TRADE.] The Marquis of *Lansdown*, on presenting the Report of the Committee on Foreign Trade, said, he would state, in a very few words, the objects to which it related. Those objects were, our Asiatic trade, and the facilities which might be given to it. The subject was considered under the three following points of view:—That part of our Asiatic trade which was

carried on by British merchants under licences from the East India Company; that part carried on under licences from the Board of Control; and that part which was not now, but might be carried on by British merchants, and was actually carried on by American merchants, with the city of Canton. The Report took those three heads into consideration, and displayed the advantages which might be expected from the alterations proposed; pointing out the manner in which those facilities might be granted, and stating the objections which had been made or might be made to them. Alive as the Committee were to the interests of all commercial bodies, and aware that no extension of the Asiatic trade, could be obtained without the consent of the East India Company, they had kept its interest scrupulously in view, and did not think that what they had to propose, would affect them, especially their home monopoly. They trusted, therefore, that they would meet with liberal assistance from the Company, in all those things which neither affected its interests, nor those of the strangers under its protection. He should now submit the Report to the consideration of their lordships, and of his majesty's government; and would only add, that the correspondence between the Board of Control, and the East India Directors, would be produced in a day or two, and might be joined to the Report in the shape of an Appendix. He should now move that the report be laid on the table, and printed.—Agreed to.

Grampound Disfranchisement Bill.] The Earl of *Carnarvon* said, that as he understood that no objection would be offered to the Bill in its present stage, all parties being agreed to go into evidence upon the subject, he would confine himself to a very few observations. The present bill differed from the former one, inasmuch as the former went to remove the franchise altogether, while the present transferred it to another place. It had been improperly compared to a bill of pains and penalties; it was, in fact, a bill of regulation. Besides, it was to be recollected, that nearly one-half the voters had been already convicted, who were now said to be put upon their trial, and that so far from awarding any punishment against individuals, by the bill, they had passed an act of indemnity to protect them in giving evidence to sustain a remedial law. A party had desired to be heard by counsel, but there was no counsel on the other side: it was, therefore, necessary to consider how they should be heard. He did not object to the calling in of counsel; but it was impossible that their lordships could submit to be interrupted in their examination by counsel, or to bandy legal subtleties with professional men. Perhaps the most convenient course would be, to allow counsel to be present at the whole of the evidence, and then to call upon them for their defence. His lordship concluded with moving the order of the day for proceeding to the examination of witnesses on the bill.

Lord *Ashburton* objected to the Bill altogether, as it not only exercised the power of disfranchising one borough, but of transferring that franchise to another. If they resolved to disfranchise the rotten borough now under consideration, they did not know how soon they might be called upon to adopt the same proceeding with regard to other places; and when they reflected, that the House of Commons owed the introduction of some of its most distinguished members, among whom were the names of Pitt and Fox, to small boroughs, they ought to pause before they recognized a principle which might end in their extinction.

The *Lord Chancellor* said, he could not agree to the mode of conducting the inquiry proposed by the noble lord; for whether they looked upon it in the light of a bill of Pains and Penalties or not, they had derived great advantage in a recent case, which was a bill of Pains and Penalties, from adhering to all the rules of evidence. The rule of evidence was, that counsel should be permitted to offer legal objections to any question; of course in doing so, they would observe the respect which was due to the House; but he had lived long enough to know, that in judicial proceedings, there was no man who did not stand in need of assistance. If, however, the House should object to the interference of counsel, he hoped they would excuse him if, in his anxiety to do justice, he submitted questions on behalf of the persons interested.

The Earl of *Harrowby* suggested, that as it was proposed to hear counsel against the bill, it might be proper for the House to appoint counsel to argue in support of the bill.

The Earl of *Rosslyn* objected to the hearing of any counsel, as it would be the

means of postponing the examination of the witnesses until after the holydays.

Lord *Erskine* hoped the bill which had passed the other House, would have the most important effects; it would, he trusted, raise that House in the affections and confidence of the people.

The Marquis of *Lansdown* was decidedly against calling in counsel on both sides, as the bill was wholly of a remedial nature.

The Earl of *Rosslyn* thought, that counsel were not necessary to argue at their lordships' bar the wisdom of a legislative measure.

It was agreed, that counsel should be called in to-morrow, for the purpose of proceeding on the examination of witnessess.

HOUSE OF COMMONS.

Wednesday, April 11.

Roman Catholic Disability Removal Bill—Petition from Limerick.] Mr. *Spring Rice* rose to present a Petition from the Roman Catholic Bishop, and between 80 and 90 Roman Catholic Clergymen of the diocese of Limerick. It stated, that the Petitioners are ready to testify in any manner that may be required of them, their unbroken and undivided allegiance to his majesty: that there is no language too strong or too significant to express the sincerity of their disclaimer of foreign authority; but they objected, on religious grounds, to the second bill which had been lately introduced into the House. They stated their objections temperately, but firmly, casting themselves, however, on the judgment and impartial justice of parliament, not to pass a law which may be a violation of conscience. There was no individual more entitled to respect and deference, than the prelate who had signed the petition, and no class of the community had proved themselves more deserving than the Catholic clergy. He would take that opportunity of setting himself right with the House, with regard to what fell from him on a former occasion. He had then stated, that by the capitulation of Limerick, Catholics would have been protected from all the disabilities of which they had now to complain. He had stated, that those articles had been violated, and that to their infraction, all the sufferings of the Catholics might be traced. When he made this assertion on a former occasion, he was told, that such an argument was wholly untenable, that it had never before been heard of, and that it had been properly disregarded by the right hon. mover, and the right hon. member for Liverpool. He felt anxious to prove the correctness of his statement, and would do so by showing, that at the time of the treaty of Limerick, Catholics were eligible to parliament, and that they were afterwards incapacitated, contrary to that treaty. It was the declaration against transubstantiation, not the oath of supremacy, which excluded Catholics; but that declaration was not in force in Ireland at the time of the treaty of Limerick. No act analogous to the 30th Charles 2nd, was then in operation, and the oath of supremacy, then the only legal test, did not keep Catholics out of parliament; therefore they were eligible. The treaty of Limerick provided, that no oath but the oath of allegiance should be required of Catholics; and yet the English parliament was guilty of the bad faith of passing an act introducing the declaration against transubstantiation, and thereby excluding Catholics from office, parliament and the bar. He referred to a passage in a valuable work of Mr. Butler's, in which he stated, that at the "passing of 1 William and Mary, Irish Roman Catholic Peers had their seats and voted in the House of Lords, and were eligible to the House of Commons, and to all civil and military offices." The assertion, that this subject had never before been so argued, was also erroneous. It had frequently been so brought under the consideration of parliament, and it had been particularly relied upon by the right hon. mover of the bill, in his memorable speech of 1813. He then stated, that "Roman Catholics were admissible to parliament and to corporate offices for 100 years after the oath of supremacy; that at the time of the capitulation of Limerick, Roman Catholics were not excluded from parliament nor from corporations. On the faith of these articles, all of which were punctually performed by the Catholics, they surrendered their town. The stipulation of William was against any additional oaths, and in favour of additional securities. What was done? The act of William and Mary was passed, giving them no additional security, but excluding Catholics for the first time from parliament, from office, and from the bar." He trusted he had

now made out his case, and shown that the Catholic disabilities were in violation of the articles of Limerick; that this argument was supported by respectable authority, and specially by the authority of the right hon. member for the University of Dublin.

Ordered to lie on the table.

BRITISH MUSEUM.] Mr. *Lennard*, in submitting the motion of which he had given notice, stated, that his object was to put the House in possession of the number of persons who, in the last five years, had applied for admission to the reading-room of the British Museum without success. It appeared, indeed, by the returns, that the number of admissions was exactly equal to the number of applications, and that the greatest inconvenience to which applicants were subjected by the present regulations, was merely a postponement as it was called. But when this postponement was continued till the person applying for admission obtained a recommendation from a trustee, or an officer of the house, in many cases it must amount to a refusal. All he thought necessary was, that the officers should ascertain that the persons applying were of that respectability and station in life, which, were they personally known to them, would procure their admission. The names of all the persons who had applied within the last five years might easily be furnished; and if no list had been kept of those whose applications had been postponed, then another mode must be taken to ascertain their numbers, and he must apply to the persons themselves to come forward. He concluded by moving for an "account of all applications to be admitted to the Reading Room of the British Museum, within the last five years, which had been postponed till the person applying could furnish the required reference."

Mr. *Bankes* observed, that the hon. mover complained of the discretion vested in the officers of the House being too narrow; but surely it was fitting to see that the persons applying were of that description that ought to be admitted. He believed there was no instance of a proper person being refused admission; and therefore he hoped the hon. gentleman would withdraw his motion.

Sir *C. Long* challenged the hon. gentleman, if he had any case of grievance, to state it to the House; but at present he could see neither the object of the motion, nor any necessity for it. He was not aware of any better rule that could be adopted.

Mr. *Dickinson* bore testimony to the facility with which proper persons obtained admission.

Mr. *Gurney* could not help adverting to the opinion which had gone abroad, that the libraries on the continent, particularly in France, were more easy of access than that of the British Museum. That this opinion was unfounded would at once appear by adverting to the fact, that the library of the British Museum was open six hours a day, with only a vacation of three weeks in the course of the whole year; whereas the libraries of Paris were open only four hours a day, with a vacation of six weeks.

Mr. *Lennard* was not disposed to press the motion to a division. As the right hon. baronet had challenged him to produce a case of hardship, he would mention two. The first was the case of a gentleman engaged in the profession of the law, and who had been a contributor to the Museum. This gentleman, whose name was Jones, wrote to Mr. Planta requesting admission to the reading-room, and and was answered that a reference was required. The consequence was, that for these three months Mr. Jones had been unable to obtain admission. The other case was that of the son of an eminent professor at Geneva, who wished for admission to see the manuscript of Rousseau's works, but who received the same answer, and consequently had not been able to procure admission.

The motion was negatived.

ILCHESTER GAOL.] Mr. Alderman Wood presented a petition from James Hillier, a prisoner in Ilchester Gaol, complaining of his treatment there. The petition was read, and ordered to lie on the table.

Mr. Alderman *Wood* then rose. He said, he would not enter at much length into the subject at present, because he believed the motion for the appointment of a committee of inquiry would not be objected to. It would be, therefore, only necessary briefly to point out the principal topics of complaint which an inquiry would go to redress. The first was the irregular and inconvenient construction of the gaol. It was built near the river, and its foundation in some parts being

below the bed of the river, it was damp and of course destructive to health. The stone in some places was porous, and admitted the moisture, and sometimes the river overflowed its banks and inundated the gaol. In the winter before last such an event occurred, and the gaol was flooded to the depth of fourteen inches, during a day and a night, and while it continued in that state there was no access to the prison but by the hazardous conveyance of a boat. It was not matter of surprise that in a prison so circumstanced, the typhus fever should often rage; and at one time it was at such a height in the prison, that it was not considered safe to take the prisoners to the assizes, and the magistrates did not like to approach the gaol. There were often from 2 to 300 prisoners on a Sunday crowded into the chapel, though it could not conveniently contain 100, which was another cause of pestilential distempers; nor was there any infirmary attached to the gaol, although four years ago a piece of ground was purchased for the purpose of erecting one. Two debtors had died there recently, and were left to breathe their last in the midst of the other prisoners. Another subject of complaint was, that there was no proper accommodation for female debtors. They were confined with the female felons. One female debtor, a Quakeress, who was sent there, preferred to be confined in a solitary cell, where the sun never entered: the natural consequence was, bad health. Her friends were naturally anxious that she should be removed, and he understood that she was liberated since the petition had been put into his hands. Another point was, that the wells were so near the river, that it often flowed into them, rendering the water foul; and the sewer for carrying off the soil and filth from the prison sometimes broke into the wells, and mixed its contents with the water. Some of that water had been brought to him in London, and it was in a most filthy state. With regard to the complaints relative to the government of the gaol, he had no motive in bringing them forward but a sense of duty as a member of parliament. The petition stated facts strong enough to warrant inquiry, and even stronger than the statements which induced the House to accede to the motion of sir Samuel Romilly in 1812, for inquiring into the conduct of the governor of Lincoln castle. He was unwilling at present to enter into the subject of the charges against the gaoler at large, but would touch upon them most briefly. The discipline in the prison was exceedingly severe, partly under the direction of the magistrates, and partly at the gaoler's own discretion. No persons were allowed to see the debtors but their wives, and even they were only admitted to see their husbands in the presence of other persons; notwithstanding this severity of discipline; irregularities occurred which the gaoler ought to have been acquainted with. There were other severe restrictions as to hours. The prisoners were locked up from five every evening till eight the next morning, without even the convenience of water, and even debtors could have no communication with their friends, but during three hours each day, between nine in the morning and five in the evening. But as to the gaoler's own house, there were proofs to show that it was kept open to unseasonable hours, and sometimes all night, while it was a scene of riot, drunkenness, and gambling; for he could assure the House, that it was customary for persons to meet there to gamble, and even the names of many of the persons who were accustomed to frequent it, were mentioned to him. There was, among the rest, a clergyman of the neighbourhood, who, it would be proved, had lost 18 guineas there on one night. He understood he was since dead, and he hoped he was gone to a better world. These facts would be proved by some of the persons who had played there themselves. He could not help thinking, that a person, who, like the gaoler, so conducted himself, while he enforced discipline in other parts of the prison, by orders executed even to cruelty, ought not at least to escape inquiry; and he thought the petition alone was sufficient to induce the House to grant a committee, as supposing Hillier guilty of playing at the game of hustle-cap, it was no reason why he should be chained down in the inhuman manner in which he was. For some alleged offence, a man named Gardner was ordered into solitary confinement, and was thrust into a dark dungeon, chained to his bed, his head shaved, and a blister applied to the scalp by the hand of a fellow-prisoner. The unfortunate man contrived, by rubbing his head to the wall, to rub off the blister; but as soon as this was found out, the blister was again applied, and a strait waistcoat placed upon him. He saw the chancellor of the

exchequer smile at this, but it was no subject for meriment. He was sure the right hon. gentleman would be sorry to be in a similar situation. All the names of the witnesses who would prove it had been handed to him. He would move, "That a select committee be appointed to inquire into, and report to the House, what has been, and now is, the condition and treatment of prisoners confined in Ilchester gaol, and the conduct and management of the said prison, and the site and buildings thereof, and to report the same, with their observations thereupon, to the House."

Mr. *Buxton* seconded the motion, but in doing so, did not pledge himself to any opinion; his object was to ascertain whether the charges were true or false. They were charges of the most serious nature, and if they were not substantiated, he hoped every one would join with him in giving the character of the gaoler its just vindication; but if they were true, or bore the slightest approximation to truth—if any one of the gross acts of irregularity and debauchery charged on the gaoler had been committed, he was sure every member would join with him in visiting the gaoler with the severest punishment. He was charged by a person who had published a pamphlet on the subject of the prison (Mr. Hunt), with having given a high character of the gaol contrary to all fact. He could only say, that he had visited the prison, and discovered the errors of its construction; but he found there such a system of discipline and industry, as reflected the highest credit on the character of the gaoler; but he acknowledged, that in minor matters he might be liable to deception: whatever was good in those things was made obvious to every one, what was evil was concealed and kept out of view. He had gone to the prison, unacquainted with the name of the gaoler: he did not even know one of the magistrates, and it was through the intervention of a friend that he procured admission. What he had seen he had faithfully described: if he had been imposed upon when he gave that description, there was but one atonement which he could make, and that was, that when in the committee he would be as ready to expose his own mistakes as those of any body else. He would most heartily join with the worthy alderman to detect the truth; and he would join with others to do justice to the character of the gaoler, if it was shown that the charges rested on nothing more solid than mere imputation.

Mr. *Dickinson* confessed that, knowing what he did of the gaoler, he should be extremely surprised if these allegations could be proved. As to the disorders which were said to have prevailed in the gaoler's house, it was true that they had existed; and it was also true that the magistrates lost not one moment upon information being conveyed to them, in inquiring into the truth. It being found that these malpractices had gone on through the connivance of five or six servants, whose duty it was to have informed the gaoler, they were instantly discharged but the evil was proved to have existed entirely without the knowledge of that individual. As to the infirmary, the ground had been purchased and the building was still going on. With respect to the water, he had himself tasted it, and he understood it was uniformly good. He could of his own knowledge affirm that the bed of the river was 18 feet below the surface of the prison; and so far from the cells being exposed to any noxious effluvia, they were airy and commodious. The hon. gentleman then entered into some explanation relative to the case of Esther Church, a Quakeress, confined for debt, and read a letter from an individual of her own persuasion, to prove that the most humane attentions had been uniformly rendered to her by the gaoler. More than this, her own voluntary acknowledgements, had confirmed the account of her good treatment. He submitted, on the whole, whether it would not be better—as no person was more anxious than himself that the truth should be elicited in this case—to have a commission rather than a committee.

Sir *Isaac Coffin* stated, that having been represented by the writer of a pamphlet on the gaol, as having played cards there and got drunk, he would support the motion for investigation.

Dr. *Lushington* observed, that he had made some inquiry relative to these charges, and the result not having been satisfactory to his own mind, he thought a further inquiry ought to take place, and was due not only to the character of the gaoler, but of the magistrates. He thought the conduct of the magistrates entitled to commendation; they had made great improvements by introducing accommodation and discipline into the gaol, which did not exist there before. He

had examined into those things when at Ilchester, and gave the gaoler great credit for the manner in which the prisoners were employed, and which could not be carried into effect in the manner it was, unless there was a person over them of zeal and ability. He agreed that there were many faults in the construction of the prison, and he only hesitated whether the inquiry ought to be by commission or committee. The character of the gaoler he had always understood to stand high; but lately there had been representations made against him by persons whose testimony he was not entitled to question, but as things stood at present he could form no decided opinion. He believed acts of great mismanagement occurred in many prisons without the knowledge of the persons under whose management they were. He then stated a fact which occurred in the Borough compter, where two female vagrants had been committed, and who had not a rag to cover them—he had witnessed it with his own eyes. [A laugh]. This was no laughing matter. It was one of the most culpable acts that had ever taken place in a moral and Christian country, that those females, without a rag to cover them, should be left in the common prison for eleven days with free access to them by all the male prisoners. This was enough to excite indignation. He would in this case support inquiry, and he was sure the magistrates would come purified out of it, but in the mean time he would suspend his opinion as to the conduct of the gaoler.

Mr. *Bathurst* admitted, that this was a case fully justifying inquiry, and was decidedly of opinion, that the circumstances of the case called upon them to appoint a commission in preference to a committee.

Mr. *Bennet* observed, that some of the complaints respecting Ilchester gaol were now allowed to be true by gentlemen who, when the subject was on a former occasion brought before the House by the worthy alderman, denied every word he uttered. One hon. gentleman had even gone so far as to state, that he believed the worthy alderman had not visited the gaol at all. In such a case as this, the House would do wrong not to take the inquiry into its own hands. He thought the best mode of inquiry was by a committee, and not by commission, which in the case of Lincoln castle, had turned out a mere mockery. He had seen a list of 30 witnesses to be examined in this case, very few of whom were prisoners, and the rest officers in the army or navy, or the sons of magistrates.

Sir *M. Cholmeley* said, that the hon. member was not justified in calling the commission of inquiry relative to Lincoln Castle a mockery. He objected to the source whence the hon. member drew his information; he believed he had it from Mr. Finnerty.

Mr. *Bennet* stated, that he had had no communication with Mr. Finnerty on the subject, but he believed him to be entitled to as much personal credit as the hon. baronet himself.

Sir *T. Lethbridge* did not pretend to say that the conduct of the gaoler might not be exceptionable, but he was sure that not the slightest blame could be attributed to the visiting magistrates. The best means had been used to improve the gaol, especially with regard to its relation to the river; the foundation was several feet above the level of the river. He preferred a commission, by which both time and money would be saved.

Mr. *Creevey* would vote for a committee in preference to a commission. In one case the House had the affair in its own hands; in the other it listened to commissioners appointed by the Crown, of whom he confessed he entertained a peculiar jealousy. He did not like to see places made on such occasions as this, of 1,000*l.* or 1,500*l.* a year for the dependents of ministers. It was one of the many ways in which the Crown added to its patronage.

Mr. *D. Browne* hoped the House would not allow itself to be led into a serious discussion by all the babbling trifles that were uttered with respect to every gaol in the kingdom. The appointment of commissions or committees was a power which the House ought to exercise rarely.

Mr. *Hume* expressed his surprise at the words used by the hon. member. As the hon. member had come from Ireland, where oppression, especially in prisons, was notoriously so familiar, his feelings might be steeled to the complaints or sufferings of prisoners. But the parliament of England was not yet, he hoped, prepared to adopt such indifference, or to sanction such scenes as had desolated and degraded Ireland. The case stated by the worthy aldermen was so flagitious, that he could not conceive it possible for the House to refuse inquiry.

Mr. *Robinson* spoke in favour of a commission, observing, that although all the witnesses for the complainants might be at large, it did not follow that some of the witnesses on the other side might not be in prison. So that if a committee were even appointed, it might be necessary to resort to a commission at last. As to what had been suggested by the hon. member for Appleby, that the appointment of the commission might invest government with some trumpery patronage, he was not surprised at such a suggestion from such a quarter; but he had no hesitation in stating, that no consideration of patronage could weigh with him, or any of his friends near him, upon a question of this nature.

Mr. *Harbord* thought that if a commission were appointed, it ought to consist of persons perfectly acquainted with the prison. He would object to any paid commission.

Mr. Goulburn then moved as an amendment, " That an humble address be presented to his majesty, that he will be graciously pleased to issue a commission to inquire into what has been, and now is, the condition and treatment of prisoners confined in Ilchester gaol, the conduct and management of the said gaol, and the site and buildings of the same." After some further conversation, the question being put, " That the words proposed to be left out stand part of the question," was put and negatived. The main question as amended, was then put and agreed to.

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply, to which the Army Estimates were referred, lord Palmerston moved, " That 6,844*l.* be granted for defraying the charge of the Allowance to the Adjutant General, his Deputy and Assistants, at Head Quarters, his Clerks, &c."

Mr. *Hume* was utterly at a loss to know for what purpose such an expense was necessary. In 1796 or 1798, a period of war, the whole establishment of the office of the commander-in-chief consisted of sir H. Bunbury and three clerks. The expense of that establishment in the present year was near 6,000*l.* for clerks, besides 8,000*l.* for the personal staff. He could not conceive how the 3,661*l.*, which was the proposed sum for clerks in the adjutant-general's office, could be expended. In 1792 the adjutant-general was allowed only 500*l.* besides his staff pay. The country being now in a situation in which every pound that could be saved ought to be saved, he should propose to reduce it by 1,661*l.* which would still leave three times as much as it had been in 1792.

Lord *Palmerston* observed, that the duties of the adjutant-general's office were multifarious, and quite distinct from those of the commander-in-chief. They consisted in receiving half yearly returns from every regiment in the service, returns twice a month from the inspecting-officers instituting inquiries into claims of every kind, transacting all the business which arose from the recruiting and dismissal of soldiers, granting leave of absence, &c. The House must be sick of references to the year 1792: it was really nonsense to talk of what existed in 1792, unless it could be shown that the business which was now to be carried on was the same as in that year. There was no office under government in which clerks were more closely employed. In 1792, there was nothing known of the state of regiments, or of the claims of individuals. Injustice was then endured from the difficulty of obtaining redress; now, every man of the lowest description in the kingdom knew if his claims were just, that they would be attended to; and his claims often occasioned more correspondence than cases of higher importance. He had seen a hundred letters on the subject of the claim of a private soldier.

Colonel *Davies* allowed that it was not desirable to go back to the system of 1792. But his hon. friend made no such proposition. His amendment was, to allow three times the sum expended in 1792. The duties of the office were considerably greater in 1807 than at present, and the expence much less.

Mr. *Bennet* observed, that the amendment was founded on the report of the committee of that House, appointed, and he might say packed, by the gentlemen opposite. The reduction of the number of regiments must have considerably reduced the duty of the adjutant-general's office. He wished to ask the House whether, in the present state of the country, they were determined not to reduce one shilling of these estimates? If so, there would be but one opinion as to what that House was in the mind of every honest man in the country.

Mr. *John Smith* said, that an hon. baronet who had been in the War-office, was

superannuated on a pension of 468*l.* and was, nevertheless, in the possession of the lucrative government of Trinidad. On what principle did such an individual enjoy a superannuation pension?

Lord *Palmerston* replied, that sir Ralph Cooper, had been a clerk in the foreign department of the War-office, on the abolition of which, he received, as was invariably the usage, the pension alluded to.

The Committee divided:—For the Resolution, 83. For the Amendment, 54. Majority 29.

List of the Majority, and also of the Minority.

MAJORITY.

Alexander, J.	Holmes, W.
Arbuthnot, rt. hon. C.	Hope, sir W.
Attwood, M.	Hotham, lord
Bathurst, rt. hon. B.	Hulse, sir C.
Beckett, rt. hon J.	Huskisson, rt. hon. W.
Beresford, lord G.	Keck, G. A. L.
Blake, R.	Leigh, J. H.
Bradshaw, R. H.	Lockhart, W. E.
Broadhead, T. H.	Long, rt. hon. C.
Browne, P.	Lowther, lord
Browne, rt. hon. D.	Lushington, S. R.
Brydges, G.	Martin, sir B.
Burgh, sir U.	Martin, R.
Calvert, J.	Metcalfe, H.
Cawthorne, J. F.	Monteith, H.
Clinton, sir W.	Neale, sir H. B.
Clive, H.	Palmerston, lord
Cockburn, sir G.	Pearse, J.
Cocks, hon. J. S.	Pechell, sir T. B.
Congreve, sir W.	Pitt, W. M.
Cooper, R. B.	Plumber, J.
Copley, sir J.	Pole, rt. hon. W.
Courtenay, T. P.	Powell, E. W.
Courtenay, W.	Prendergast, M. G.
Croker, J. W.	Robinson, rt. hon. F.
Dawkins, H.	Rocksavage, earl
Domville, sir C.	Scott, hon. J. J.
Downie, R.	Shaw, R.
Dundas, rt. hon. W.	Somerset, lord G.
Ellis, T.	Strutt, J. H.
Fellowes, W. H.	Taylor, sir H.
Fynes, H.	Temple, earl of
Gascoyne, I.	Townshend, hon. H.
Goulburn, H.	Trench, F. W.
Grant, rt. hon. C.	Vansittart, rt. hon. N.
Hardinge, sir W.	Wallace, rt. hon. T.
Hart, G. V.	Ward, R.
Harvey, sir E.	Wilson, sir H.
Harvey, C.	TELLER.
Holford, G.	Clerk, sir G.

MINORITY.

Bankes, H.	Chaloner, R.
Benyon, B.	Chetwynd, G.
Bernal, R.	Corbett, P.
Boughey, sir J.	Creevey, T.
Bury, visc.	Crespigny, sir W. D.
Buxton, T. F.	Crompton, S.
Davies, T. H.	O'Grady, S.
Denman, T.	Palmer, C. F.
Dickinson, W.	Parnell, sir H.
Duncannon, visc.	Philips, G. jun.
Evans, W.	Rice, T. S.
Farquharson, A.	Rickford, W.
Glenorchy, visc.	Robarts, A.
Gordon, R.	Sefton, earl of
Graham, S.	Smith, hon. R.
Grattan, J.	Smith, R.
Guise, sir W.	Tierney, rt. hon. G.
Harbord, hon. E.	Tremayne, J. H.
Heron, sir R.	Whitbread, S. C.
Honywood, W. P.	Whitmore, W.
Hume, J.	Williams, W.
Hurst, R.	Wilson, sir R.
James, W.	Wilson, T.
Johnson, col.	Wodehouse, E.
Lennard, T. B.	Wyvill, M.
Lushington, S.	TELLER.
Monck, J. B.	Bennet, hon. H. G.

On the Resolution, "That 6,192*l.* be granted for defraying the charge of an Allowance to the Quarter Master General, his Deputy and Assistants at Head Quarters, his Clerks, &c."

Mr. *Hume* said, that though the office of quarter-master-general was one of considerable labour and importance in time of war, it was monstrous that the country should be burdened with so many quarter-master-generals, &c. in time of peace. Above 3,000*l.* of the grant now proposed was to defray the expense of offices which had no existence in 1803, when the commission of military inquiry was in existence, and which in 1804 only cost the country 954*l.* He should therefore move, as an amendment, that a reduction of 1,500*l.* be made in the expenses of this office.

Lord *Palmerston* observed, that the hon. member was upon this occasion completely caught in his own toils; for this was one of the establishments which was precisely on the same footing of expense that it stood in 1792.

Mr. *Hume* contended, that there were five permanent district quarter-masters at present, whereas there were no such officers in 1792.

After some further conversation, the Committee divided:—For the Resolution, 104. For the Amendment, 60. Majority 44.

On the Resolution, "That 922*l.* be granted for defraying the charge of the Allowance to the Deputy Quarter Master General in North Britain, his Clerks, &c."

Mr. *Hume* requested to hear from the noble lord, the particular duty the officer had to discharge.

Lord *Palmerston* said, the office was as old as the Scotch Union, and the duty of the quarter-master-general was to make such arrangements as would prevent the troops in Scotland clashing on their march.

Mr. *Bennet* objected to the item, and moved a reduction to 600*l.*

Mr. *W. Smith* said, that the public were to pay 900*l.* to prevent 1,300 men in Scotland meeting on the same road.

The *Lord Advocate* stated a recent instance, when the quarter-master-general was called upon to discharge an extensive and important duty, in consequence of several regiments of the line marching to Glasgow.

The Committee divided:—For the Resolution, 98. For the Amendment, 56. Majority, 42.

On the Resolution, "That 5,180*l.* be granted for defraying the charge of the Allowance to the Judge Advocate General, his Deputy, Clerks, &c."

Mr. *Chetwynd* objected to the grant as a profligate expenditure of the public money. The allowance to the judge-advocate exceeded the salary of the lord-chief-justice of England, and he had not only a deputy-adjutant, but an assistant-deputy in his office. He hoped the country gentlemen would remember their pledges to their constituents, and draw the strings of the public purse a little tighter. With that view, he should move, as an amendment, that the sum of 3,180*l.* should be granted in the room of 5,180*l.*

The *Judge Advocate* complained that the hon. gentleman should have brought the charge of profligate expenditure against him, without having previously informed himself of the fact. The present arrangement had been made in 1807, and the duties of the office had considerably increased. The salary of the judge-advocate-general was not, as the hon. gentleman supposed, 5,180*l.*, but 2,500*l.* a year; and when they knew that the correspondence had considerably increased in the department since that period, and that the military business of Ireland had been added to that of Scotland and England, he was sure the committee would not look upon the grant as exorbitant.

Sir *R. Fergusson* perfectly agreed with the hon. gentleman as to the extravagance of the sum proposed; and wished to know at how many general courts-martial the present judge-advocate-general had presided? The deputy-judge-advocate was the person who performed the business of the office.

Mr. *W. Smith* said, they had that night had another proof of the unfair manner in which observations originating on his side of the House were treated; for no sooner had a complaint been made of a general system of profligate expenditure, than the right hon. gentleman rose, and took the whole charge to himself, whereas, the charge was against the system, and not against the individual.

Mr. *Chetwynd* said, he had no idea whatsoever of making a personal allusion to the right hon. gentleman. He could have harboured no such intention, as the right hon. gentleman was perfectly unknown to him. He said, and would repeat it, that he considered the whole system to be one of profligate expenditure. His majesty's speech from the throne, and the speeches of ministers, had led him to expect a great reduction of expense. But he had been so much disappointed, that though no man was more inclined to support ministers, he could not do so when he saw them resist every proposition that tended to retrenchment. He was determined to do his duty to the country, while he had the honour of a seat in that House, without indulging in any personal feeling or motive.

Mr. *Denman* had no hesitation in saying, that the labours, not only of the chief justice, but of the puisne judges, far exceeded those of the right hon. gentleman. He regretted, that particular circumstances prevented him from attending in his place to assist those who had so honourably opposed the enormous grants of the public money— exertions which if they did not tell at the present time, would operate most beneficially hereafter.

Mr. *Martin*, of Galway, was as ready to economize as any man, but it was neither economy nor prudence to reduce the salaries of public officers. The army should have the highest legal talent. The judges were not liberally paid; and therefore a comparison of their salaries and that of the right hon. gentleman was unfair. He should vote for the larger sum.

Mr. *Hume* begged to remind the House, that the salary of the former advocate-general (sir C. Morgan), who not only acted as advocate-general, but as secretary to the board of general officers, amounted in the whole to 1,033*l.* whilst the dry salary of the right hon. gentleman

amounted to 2,500*l.* a year. The deputy advocate general at present performed merely the duties of a common clerk, and as such ought to be paid. It was not consistent with reason to suppose that so many courts-martial should take place at present as were held when the army was more numerous. 1,000*l.* might fairly be deducted from the judge-advocate's salary, and he would then receive 400*l.* more than sir C. Morgan received up to the year 1806.

Dr. *Lushington* said, that the judge-advocate had been under secretary of state for 12 years, and could not therefore be entitled to any compensation on the ground of giving up his profession. If the salary of his office was 2,500*l.* during war, some reduction ought to be made now. He was sure that the office, with a salary of 2,000*l.* would gladly be accepted by gentlemen at the bar, of adequate qualifications. He confessed himself dissatisfied, not only with the original resolution, but with the amendment. He did not consider the offices of deputy judge-advocate, or assistant judge-advocate, in any way useful; and would therefore move, that the proposed sum should be reduced by a sum of 1,200*l.* being the amount of the salaries of those officers.

Lord *Milton* protested against the idea of taking the salaries of 1806 as any standard for the salaries of the present day. In 1806, corn was sold at 88*s.* now it was sold at 54*s.* Country gentlemen were forced to reduce their rents; every class in society suffered a sensible diminution. Were those who held offices under government to be alone exempt from the effects of that pressure which bore so hard upon society.

Mr. *Bennet* said he should be glad to see any the smallest reduction made in the estimates.

Mr. *R. Martin* said, if the hon. gentleman would propose a reduction of 5*s.* he would vote for it.

Mr. *Bathurst* said, the ground for the reduction of the salary of the judge-advocate had failed, because it had been shown that the business was as great now as it had been in time of war. The argument drawn from the depreciation of money would apply to all offices.

Mr. *Hume* said, that the right hon. gentleman who now filled the chair of that House, and who preceded the learned gentleman in his office, had, he understood, attended, with one exception, every general court-martial held in London during the period that he was judge-advocate. Now, he was informed that although the present judge-advocate, might give 600 opinions in the course of a year, he had personally attended but two courts-martial.

The *Judge Advocate* said, the rule which he found established, and which he had observed was, for the judge-advocate to attend in person only at the trial of general officers. The trouble and investigation in other cases were however just the same.

Sir *R. Fergusson* begged to ask, how many courts-martial on commissioned officers the right hon. gentleman had attended since he held his office?

The *Judge Advocate* stated, that he had attended all the courts-martial held at head-quarters except one, and their number, he believed, amounted to six.

The committee then divided: For Mr. Bennet's amendment 44; against it 92: majority 48.—For Mr. Chetwynd's amendment 51; against it 83: majority 32.—For Dr. Lushington's amendment 53; against it 82: majority 29.—The original resolution was agreed to. The chairman obtained leave to report progress, and at a quarter after two in the morning the House adjourned.

HOUSE OF COMMONS.

Thursday, April 12.

PETITION FROM LYME REGIS RESPECTING THE ELECTIVE FRANCHISE.] Mr. *Lambton* rose to present a petition relative to the state of the representation of the people in that House from the resident but non-represented freeholders of the borough of Lyme-Regis. The petitioners stated, that, from the 23rd of Edward 1st, to the 14th of George 1st, 1727, the elective franchise was exercised by all the resident freeholders in the borough; but at the latter period the right was disputed, and by a decision of that House, in 1780, the right of voting was declared to be vested in the mayor, burgesses, and freemen only; since which time the borough had been under the patronage and disposition of a peer of the realm, who by his sole influence returned members to parliament for a series of years, generally his own personal friends or relations. It was perfectly well known who the peer here alluded to was; but as his name was not mentioned in the petition, he did not

think it proper to state it. The petitioners went on to state, that the resident freeholders amounted to 100, while the resident free-burgesses were in number only 30, all of whom were the dependants or friends of the peer alluded to, many of them receiving pensions from, or holding places under, government. They conceived that this system was an enormous grievance, and concluded by praying for a restoration of those rights and privileges that had been exercised by their ancestors.—The petition was then read. On the motion, that it do lie on the table.

Mr. *Hobhouse* said, that with all deference to his hon. friend, he did not think it the right course that the petition should merely be laid on the table; for if the petitioners had stated that which they could make out by evidence, when they said that a peer of parliament had habitually interfered in the election of members, he thought it impossible that they could suffer a practice to go on in defiance of their declared privileges—and constantly repeated votes, and of the law of the land, without taking notice of it. That the petition should lie on the table would be a very inadequate measure, and he should therefore move to refer it to a committee of privileges. Whatever opinions might prevail in the House as to a sweeping parliamentary reform, there could be no doubt as to the principle that the constitution disallowed the interference of peers in elections. It was provided so early as the reign of Edward 1st by the first statute of Westminster, that no peer or great man should interfere in elections, either by force of arms or malice—which malice meant (according to lord Coke's interpretation at least) the malice of money. In the reign of Elizabeth, the evil of patronage had got to some height; for they heard of a dame Dorothy Packington, who returned two members to the House. Of its height in modern times they had proof in a petition which had been presented to the House from the "Friends of the people" on the 6th of May, 1793, in which the petitioners stated and offered to prove at the bar, that a majority of the House at that day was returned by the nomination or influence of 154 patrons. So late as 1813, a petition had been presented to the House, staing that two seats in the House had been bequeathed by the will of the late sir John Johnstone, and the codicil was offered to be produced. The reformers had been generally met in the House by a challenge to point out a specific abuse. Here was a distinct breach of privilege; and the question was, whether they would refuse to remove this opprobrium? There had been a petition presented to the House of Commons, December 9, 1790, by Mr. Horne Tooke, in which it was stated that by the accident of proceedings in the court of chancery, the average price of a perpetual seat in the House of Commons had been ascertained, and that seats in that House were as notoriously rented and bought as the standings for cattle at a fair. On that very petition a committee was founded. No gentleman rose to say that these words were not true, and that therefore the petition ought not to be received. Let the House, when such an occasion as this presented itself, endeavour to do a little. Those who were opposed to the reformers in that House, always said, "Don't come with your sweeping plans; point out some particular grievance." Here, however, was a specific charge against a peer of parliament, and, that it might be investigated, he would move as an amendment, "That this petition be referred to the committee of privileges."

Sir *J. Graham* said, the case of the electors of Lyme Regis, in which borough there had been more litigation than in any other part of the kingdom, had long since been decided. It was not proper to make a complaint at this time relative to the right of enjoying the elective franchise. That could only be done by a petition against the returning officer immediately after an election. With respect to the allegation against a peer of the realm, how could the complaint be entertained when no name was mentioned and no act specified? He believed a great number of gentlemen who sat opposite could be pointed out as being returned to parliament by peers, or the relations of peers, for close boroughs. This, however was not a close borough. The electors consisted of a certain number of freemen and burgesses, who were not the dependants of any peer. He knew some of them who, he would venture to say, were as respectable as any men in the kingdom.

Mr. *Hurst* said, that as this petition did not complain of a particular election, it could not be the subject of an election committee. But as the, Petitioners complained that, for a long course of years,

they had been deprived of their elective rights, they where bound *ex debito justitiæ* to attend to it.

Lord *Lowther* said, that the right of election which was claimed by the petitioners, had been frequently decided against.

Mr. *Lambton* said, this was not an election petition, as it did not complain of an election, but complained that for many years the franchise had been taken away from them. The statement of the hon. baronet that he saw many members who were nominated by peers, was certainly a bad answer to the complaint of the petition. He rather wondered that the hon. baronet had not been called to order. But it seemed now a too generally admitted fact, to affect any squeamishness about, that members were nominated by peers. The question now was, whether the House would take any particular notice of this petition? Certainly it would be more consistent with its ordinary usage to admit the facts alleged, and to let the petition go forth to the world uncontradicted. However, as his own opinion was, that the subject was fit to be discussed in a committee, he should agree to the amendment.

Mr. *Hobhouse* said, he would withdraw his amendment on the understanding that he should propose it as a substantive motion.

The *Speaker* said, that could not be done on the same day that the petition was laid on the table.

Mr. *Hobhouse* said, he should then press his amendment.

Mr. *Huskisson* said, the petition was confined to the statement of a general evil, coupled with a complaint of the decision of the House as to the right of voting for the borough. No particular election was complained of, and no specific ground was laid for the interference of the House. The subject of the petition might be very proper for reference, upon a motion respecting the general state of the representation; but he did not think it a case to justify a reference to a committee of privileges.

Lord *Althorp* said, the present was not a general complaint; for it alluded to an individual instance, and an individual peer, though he was not mentioned by name; and it also stated, that that peer influenced the election. He considered this a direct breach of privilege, and highly fit to be considered in a committee.

Mr. *Monck* said, if there was any thing more clear than another it was that the interference of a peer in an election was a breach of privilege. If the complaint had referred to a particular election it would have been only cognizable by an election committee, but as the abuse was alleged to be of long continuance, it formed a fit subject for a special examination. If the House suffered it to pass over without notice, it would not increase the confidence of the people out of doors.

Mr. *Hutchinson* said, that as it was distinctly stated by the petitioners, that a peer of the realm had for some years interfered in the election of members, the petition ought to be forthwith referred to the committee of privileges.

Mr. *J. H. Smyth* was of opinion, after having read the petition, that it did not contain such a complaint as the House was bound to refer to the committee of privileges. After alluding to the right of exercising the elective franchise, the petitioners went on to complain, that a peer of the realm had used his influence in the election of members for this borough. This was a grave charge. But he was not prepared to say that influence arising from title, property, rank, distinction, was the same thing as interference. The House only condemned a corrupt and improper influence.

Mr. *Wynn* said, that this was a petition which the House could not refer to a committee of privileges. The charges were of a vague and general nature; no peer was specified as having interfered; and therefore if the petition were referred the committee would have to ascertain what peer the allegation was directed against. But if this influence were proved, what punishment could they enforce? Except the peer happened to be the lord lieutenant of a county, or held an office under the Crown, from which he might be removed, by addressing his majesty, he feared that the House could inflict no punishment. A complaint of this kind had been formerly made against the duke of Bolton; but the committee found they could not bring it to a useful conclusion; and, after examining some witnesses, adjourned for four months. If bribery or some undue influence, which might be made the subject of a prosecution, were not proved, the House had no means of inflicting punishment.

Sir *J. Newport* said, that if the position of the hon. member was correct, the

sooner the House rescinded its resolution upon the subject the better. It was well known that at the beginning of every session the House came to a resolution declaring the interference of a peer in the election of a member of parliament to be a breach of privilege; but if such a resolution could not be enforced, the voting it was a mere farce.

The question being put, "That the words proposed to be left out stand part of the question," being put, the House divided: Ayes, 82. Noes, 33. The original question was then put and agreed to.

USURY LAWS.] Mr. Serjeant *Onslow* rose, in pursuance of notice, to call the attention of the House to the subject of the laws for regulating or restraining the interest of money. He alluded to those laws which had been passed for the avowed purpose of preventing usury. When he, in the year 1816, brought them under consideration, it was admitted by the chancellor of the exchequer, that they were in principle indefensible, but that the state of the public mind was at that time such as to render the agitation of the question dangerous. The right hon. gentleman added, that a time would no doubt arrive when the discussion might be safely entered on. He had afterwards consented to a second postponement of the subject, in consequence of representations made to him by the solicitors of the Bank. The committee to whom the question had been referred, had gone with the greatest attention into every branch of the inquiry, and had received very important evidence both from persons favourable and persons hostile to an alteration of the existing law. Amongst other witnesses, the hon. member for Portarlington (Mr. Ricardo) had been examined, Mr. Kaye the solicitor to the Bank, some of the first representatives of the monied interest in the city, and a name never to be mentioned without veneration, the late sir S. Romilly. The concurrent opinion of these last mentioned individuals was, that the usury laws answered no good purpose whatever. He would now state the substance of the resolutions to which the committee, on a full review of the evidence, had finally agreed. The first was, that the laws in question were continually evaded with success: that of late years they had been converted into a means of greatly increasing the expense to borrowers; and that they led to the injurious practice of raising money by annuities upon lives. They not only subjected the borrower to enormous charges, but frequently to the necessity of a disadvantageous sale of his estate. The effect of the second resolution was, that as applicable to commerce these laws produced a great uncertainty of interest, and engendered perpetual doubts and litigation. The third resolution imported, that whenever the market rate of interest should be below the legal rate, that would be a proper time for entering into a full consideration of this subject, without any injury to public credit. Many hon. gentlemen must be aware that 10, 12, and 13 per cent had been given for money by annuities for life; and not only for one life, but sometimes for two, three, and he had even known a case where the annuity was granted and secured for five lives. The evidence of the different secretaries to the insurance offices all agreed in representing this to be a common practice. The testimony of Mr. Wakefield, and of various respectable solicitors, concurred in the statement that the uniform effect of the present laws on landed proprietors was, to subject them to enormous charges in raising money. He had himself met with instances of landed property sold most disadvantageously, and in one case a loss of 70,000*l.* incurred, by annuities running over the whole estate. It was an error to suppose that any application to the court of Chancery was necessary, in order to enable a mortgagee to foreclose. With regard to the second resolution, and the extent to which these laws affected our commercial interests, he could appeal to the solicitor general, whether they were not productive of continual difficulty and doubt. Here the hon. and learned gentleman took a brief and rapid review of the history of the laws for regulating the rate of interest. Every writer of eminence or authority had, he said, disapproved of them, and an hon. and learned friend of his now filling a high judicial office in Scotland (sir S. Shepherd) had confessed, that his opinions on the subject had been entirely changed, by the perusal of Mr. Bentham's celebrated work. Under these impressions, he should now move, "That leave be given to bring in a bill to repeal the Laws which prohibit the taking of interest for money, or limit the rate thereof."

Mr. *Davenport* said, that the measure

would be dangerous to the yeomanry of the country, who could scarcely go on paying only five per cent. He feared it would drive many persons to the sale of their estates, and he trusted the learned serjeant would on consideration withdraw his motion.

Sir *Robert Heron* did not mean to oppose the motion for leave to bring in the bill, but was at the same time desirous of expressing his decided opinion that it was the most mischievous ever proposed for the adoption of that House. It would if it should pass, have the effect of introducing uncertainty into all mortgages; nor would any parties be disposed to lend until they conceived that they had obtained the highest possible interest. At present all money borrowed upon annuity must by law be registered, and this was a very operative check on that ruinous mode of raising money. By the proposed measure, this necessity would be removed. If unhappily it should receive the sanction of the House, he should move for an alteration of its title, and that it be called "a bill for more speedily ruining the young nobility and gentry of the country."

Lord *Althorp* could not conceive how a bill of this nature was likely to operate injuriously towards the landed interest. On other points of legislation, the House was called upon to consider principles, but in the present case it was enabled to decide from practice. It was known that when the legal interest upon money was so much as eight per cent, money was at that rate invested in mortgage, and although eleven per cent could be obtained upon annuities with liberty to insure the life of the borrower, money was not transferred from mortgages to annuities. Why then should the apprehension of such transfer be entertained in the present case, or that enabling men to sell the use of money at the market price would operate against the landed interest?

Mr. *Philips* thought that those who calculated upon any disadvantage to the landed interest from the measure, had never read the evidence taken before the committee upon this subject. From that evidence it appeared, that a measure of this nature was peculiarly calculated to serve the landed as well as the commercial interests. He could not see why money should not be an article as free in the market as land or goods. From the state of the laws referred to in the motion, many men in trade were often obliged, for the relief of temporary necessities, to have secret recourse to extortioners and unprincipled brokers; whereas, if the legal restraints of interest were removed, they would be at liberty to deal upon the best terms with open traders in money.

Mr. *R. Gordon* deprecated the theory which this proposition had in view, cautioning the House to beware of theories from the sad experience of the measure for the resumption of cash payments. This, however, was the age of theories, and nothing was heard of but a recourse to first principles. He must, notwithstanding this cry, sanctioned as it was by authority, deprecate the proposed change in the laws against usury, as well as other changes, which he deemed wild and visionary speculations.

Mr. *J. P. Grant* said, that his hon. friend who spoke last seemed to him to have mistaken both the disease and the remedy. The distress which existed arose from theory, and from the preposterous theory of a legislative interference with money dealings, which was not applied to any other branch of commerce. Some persons had been of opinion, that the same principle ought to be introduced into the manufacture and sale of bread; but in practice it would always be found most advantageous to leave the seller and purchaser, the lender and borrower, to make their own contracts according to their several necessities. It was by this course that they would ensure the best supply at the cheapest rate.

Mr. *Calcraft* confessed, that his prejudices were strong against the proposed alteration, and were founded in reflection upon what the country had suffered at former periods from an unlimited rate of interest. With regard to the sale of bread, there had been a maximum fixed by assize; and when that was repealed, great advantages, none of which had been realized, were anticipated to the consumer. The country, it should not be forgotten, had risen under the existing laws to an unrivalled degree of commercial prosperity, and trade had flowed into every channel where capital was found. He greatly feared that the measure was calculated to unsettle mortgages, and to persuade lenders that they ought to have obtained better terms.

Mr. *Ricardo* thought the House and the public were very much indebted to the learned gentleman, for the measure which he had proposed; and expressed

his astonishment at the apprehensions of members, that its adoption would operate to the prejudice of the landed gentry, by raising the rate of interest; for the fact was, that the lenders of money would not have more power to raise the rate of interest than the lenders would have to keep it down; and the competition between both would serve to bring it to a reasonable standard. As to the allusion of his hon. friend to the assize of bread, that case had no analogy to the present question, because the maximum upon bread was merely meant to keep the price of that article in due relation to the price of corn. An hon. friend had taken occasion, in referring to the resumption of cash payments, to reprobate what he called that theory. But his hon. friend should consider that the restriction upon cash payments was a departure from the old and established theory of the country, to the sound currency and wholesome practice of which it was now proposed to return. His hon. friend had deprecated change in such a strain, as would really form an argument against any improvement. He had had great experience in the money market, and could state the usury laws to have always been felt as a dead weight on those wishing to raise money. With respect to those concerned in the money market itself, the laws had always been inoperative; and during the war indirect means had been found of obtaining seven, eight, ten, and fifteen per cent interest. The laws therefore occasioned inconvenience, but did no good.

Mr. *Baring* said, that the measure would be of the greatest benefit to the country, and came before the House at the most safe and seasonable period. When introduced about six years ago, it might perhaps have created that alarm and derangement which some hon. members supposed it calculated to produce; because the war rate of interest was at that time above five per cent; but at present, when the rate of interest in the money market was below 5 per cent, there was no reason to apprehend such an inconvenience. He conceived that the measure would not be attended with so much benefit to the mercantile interests and moneyed men as to the landed interest.

Mr. *Monck* spoke strongly in support of the measure under discussion, which proposed to remove one of the remnants of the old and irrational system of assize. We had had, in ancient times, an assize upon cloth, leather, beer, and bread. We had got rid of these, and he hoped this fragment was about to be removed. The repeal of the assize upon bread was known to have produced the best effect, by procuring better bread, and upon cheaper terms than were ever known under the existence of the excise. He anticipated a good result also from the repeal of the usury laws, and especially to the landed interest, who could not hope to obtain any loan of money while government, which was not restrained by the usury laws, would give more than 5 per cent interest. But, when dealing in money became a free trade, those who wanted to borrow might openly treat with those disposed to lend, and the money lenders would be considered as respectable as any other class of people in trade.

Leave was given to bring in the bill.

CIVIL OFFICES IN THE ORDNANCE DEPARTMENT.] Mr. *Hume*, in rising to submit the motion of which he had given notice, regretted that a question of so great constitutional importance had not fallen into the hands of some member more competent to do it justice. There were two points of view in which he wished to represent the subject to the House: first, as a constitutional question involving the consideration how far individuals under the influence of the Crown ought to be allowed to vote for members of parliament; and next, how far that influence was likely to lead to extravagance in keeping up offices and appointments not necessary for the public service. His attention had been more especially directed to this subject, in consequence of the inquiries which he had made into the state of the borough of Queenborough; and it would be in the recollection of the House that some weeks ago he had called their attention to various mal-practices, peculations, and abuses on the part of certain individuals in Sheerness, belonging to the borough of Queenborough, and connected with the Ordnance department. In almost every department of the Ordnance there were to be found individuals from the borough of Queenborough. Not only had new situations been created for freemen of that borough, but some most meritorious individuals had been turned out to make way for them. The object of his present motion was, to disqualify the servants of the Ordnance department from voting at elections, in the same man-

ner as the civil servants of various other departments were disqualified.

In order to make himself intelligible to the House, it would be necessary to refer to the several disqualifying statutes, which were of three descriptions; first, those which disqualified persons from being elected members of parliament; secondly, those which enacted, who should not vote for members of parliament; and thirdly, those which enacted, who should not meddle or interfere with the electors. The principle upon which all these statutes proceeded, was to guard as much as possible against the improper influence of the Crown. If, therefore, he succeeded in showing that a number of individuals, under the direct influence and control of the Crown, returned members to that House, he should then, he submitted, have made out a case to induce the House to place the civil servants of the Ordnance on the same footing as other servants of the Crown, who were now excluded. The hon. member then referred to the statute of 22nd Geo. 3rd chap. 41, which enacted, that no commissioners or collectors of customs or excise, distributors of stamps, or any individuals holding situations at pleasure under any officer of the Crown, should be entitled to vote for any member of parliament. The same statute also disqualified the postmaster-general, his deputy or deputies, and all clerks employed under him or them. The commissioners of the land-tax, who received no salaries, were excepted; and the very exception proved the principle upon which the legislature proceeded, which was, to guard against the undue influence of the Crown. He should, perhaps, be asked whether he wished to deprive Englishmen of that freedom of suffrage which had been handed down to them from their ancestors? He contended, however, that this would be no deprivation of a right; it was merely a condition annexed to the acceptance, or retention of an office. It was no more than saying to persons accepting situations under the Ordnance department, that if they chose to accept such situations, from which they were liable to be dismissed at the pleasure of the Crown, they must do so upon the condition of not being entitled to exercise the elective franchise. The statute to which he had referred, passed its second reading by a majority of 87 to 12, * so that there were only 12 persons opposed to the principle of the bill, and he could not see, therefore, why the House should now refuse to allow him to bring in this bill, and carry it through all the succeeding stages. By the 43rd Geo. 3rd chap. 25 all the enactments of that act were extended to Ireland, and the measure passed, he believed, without any opposition. By the 5th William and Mary, chap. 20, "No collector of taxes or excise shall influence, directly or indirectly, any person in his vote for a member of parliament." By the 12th and 13th William 3rd this was extended to the customs. A subsequent act carried this law all through the post-office. The 11th queen Anne extended it farther, to the whole of the stamp department. The 12th of Anne carried the same principle to every person engaged in the collection of duties on salt, vellum, stuffs, &c. The solicitor-general appeared to think that he (Mr. Hume) was now mistaking the reason and intent of these statutes: but, he contended, that the principle of exclusion, as applied to all those who might be improperly influenced by the tenure of office under the Crown, was in all these acts the same. In his present motion he did not call on the House to adopt any new principle, but to apply it only to a third and additional class of men, equally liable to government influence as those who had been the objects of the preceding statutes. It was true, that the 5th Will. 3rd, chap. 7, made certain exceptions in favour of the commissioners of the Treasury, and others: but these exceptions, so clear, so express, so expedient, only proved the truth, and the recognition on the part of the legislature, of the great principle he was now desirous to enforce. The 11th and 12th of William 3rd, more particularly chap. 7, sect. 151, after recapitulating certain offices, expressly said, that if the owners thereof wished to exercise the elective franchise, they must vacate their seats. Nothing could be more fair. It was a balance of interests, equitable, politic, and just. Then there was the 12th and 13th Will. 3rd, and the 6th queen Anne (the latter a statute which ought to be more attended to in that House than it had been of late) still went on to lay down the same position—that all those influenced, in any way, by the public money—either its receipt or its collection—should be incapable to ex-

* See New Parliamentary History, Vol. 22, p. 1388.

ercise the elective franchise. The 1st of Geo. 1, chap. 56, in the operation of the exclusive principle to which he had referred, took in even the commissioners of army accounts, and of the Sick and Wounded and Transport department. Now it would be difficult almost to imagine what possible influence or control, arising from any thing like a disposition of the public money, these latter officers could be supposed to exercise. So, however, the case was; and it furnished a striking example of the laudable jealousy which parliament had for so many years manifested by repeated statutes, of an influence on the part of the government which might affect the character and constitution of parliament.

As he must come now to the case of the borough of Queenborough, it was necessary for him to mention that of the two last contested elections which had been sustained for it: the first was in the year 1802, when the hon. member for Coventry (who now sat near him) and Mr. Prinsep were the candidates. The number of votes polled on that occasion was 76 and 75. He thought that he saw the Master of the Mint smiling, as if he would say, that this was furnishing an example in which the Treasury had been beaten. But he had a weighty reason for mentioning the circumstance, which was this:—at that period there was not one seventh of individuals belonging to this borough employed by the Ordnance-office, compared with the number now employed by it. There was a return—perhaps not a very correct one, indeed—of these numbers, printed in a book called Oldham's History of Parliament. [Cheers from the Treasury-bench.] If the hon. gentlemen opposite did not like this authority, let them take it in another way. At the period he spoke of, the number of such men so employed by the Ordnance-office was 17 only. A subsequent contested election took place, in which Mr. Hunt and Mr. Villiers were the candidates. They received between them 160 votes, and colonel Chichester had 60. The total of votes, therefore, was 220, If all the voters of this borourgh, however. as he was informed were put together, there would be about 250 freeholders. The place contained only 200 houses. The sons of freemen, if they were born in Queenborough, became also freemen—a very important privilege, and no doubt the reason why the wives of the freeholders were sent from all parts of the county to lie-in in Queenborough, of these young freemen. He had divided the freeholders of this borough, for the better information of the House, into three classes, and he had three lists; the first being a list of the offices, salaries, and pensions of 117 freeholders, holding offices and salaries to the annual amount of 14,766*l.* [Hear, hear!], exclusively of thirty-two houses rent free, apartments, servants, and perquisites. The second was a list of eleven freemen's sons who had been so unfortunate as to be born at Portsmouth or Plymouth, or any where else but Queenborough, and who held offices under the Ordnance or other government department to the amount of 2,629*l.* per annum. Another of his lists, was a list of freemen holding situations in the Customs and the preventive service, 32 in number, making altogether 190 out of the 220 odd freemen, having situations under government.

The corporation of this borough consisted of one mayor, four jurats, and two bailiffs; being a body of seven individuals; and the particulars of their situations and emoluments he should next proceed to notice, to show how far the influence of the Ordnance department extended. The first was Mr. Greystock, of the Tower. He was the mayor, and had become barge-master of the Ordnance. His salary was only 60*l.* a year; but he had enjoyed it for eleven years, and the post was a perfect sinecure. He understood that this gentleman, in addition to his public capacity, was an oyster-salesman. He was, too, the mayor of Queenborough. A gallant general smiled at this account; but considering that for eight months in the year this individual was at Billingsgate, selling his oysters, and for the other four months, getting them in France, he must look upon this office as a great sinecure, be the salary what it might. Mr. Greet was the next in succession; and no individual, certainly, had derived more benefit from the liberal patronage of the Ordnance-office than he had. Of no person had so many vessels been hired for the transport of stores, and so forth. He got as much as he could get himself in the way of employment, and by way of his own influence; for he had procured his brother to be appointed deputy barge-master. He held the situation, which altogether was worth nearly 500*l.* a year; he

had 250*l.* salary, his coals, candles, and so forth; besides which, his brother had the command of a cutter. They had heard of a manager in that House; this gentleman seemed to be the manager for the Ordnance, in this particular department of it. The next person is Henry Ligonier; he had a salary of 108*l.* a year, perquisites, &c., lived in Upnor-castle; besides this, he had the command of a vessel, which was employed by the Ordnance-office, and which no doubt afforded him very nice pickings. James Bowton, of Sheerness, also a jurat, part owner of a vessel; his allowance was 108*l.* a year, besides 20*l.* for house-rent. He commanded the Lord Howe powder vessel, of 35 tons as it had been returned, though it very probably was of a much larger burden. He (Mr. Hume), while he was collecting information respecting this vessel, was placed in a very awkward situation, for he had been told by the clerk of the Ordnance-office that, if he thought any person on board her was giving an iota of that information, he would have him immediately turned away. Now, if any person, even if he were purity itself, refused to submit to that sort of inspection which if all were right he would willingly, do such a conduct must excite suspicion, and therefore he suspected, that the Ordnance department was afraid to have the thing known. This Mr. Bowton was the father of a clerk in the Ordnance office in London. James Hollely, of Sheerness, another of these jurats, was master of the Johanna gun-hoy. His salary was 108*l.*, besides an allowance of 20*l.* a year for house-rent. He was also land-bailiff, the duties of which place, he, being a sea officer, must have admirable opportunities of properly performing. His father and his brother, were both in the employ of government. But, this system of relationship, by which so many persons of one family were all retained and employed together in a way which made it so difficult for them ever to be got rid of or shaken off, was principally exemplified in the instance of John Marshall, of Queenborough. He was also a jurat, and the individuals of his family were disposed of in this way; he had two brothers, one brother-in-law, and one son in the Ordnance department, that received altogether 950*l.* per annum, exclusively of other perquisites, and his (Marshall's) proportion of the 1,271*l.* per annum shared by seven freemen of this borough for other offices. After noticing the cases of James Thomson, John Saffery, — gunner, and several others, the hon. gentleman particularly dwelt upon that of Francis Pellat, who was himself a clerk at 150*l.* with a gratuity of 150*l.*, and an allowance for coals and candles, and nine or ten of whose family held different offices under government. He should like to be informed in what way such men could properly exercise the elective franchise. The director of the board, at his mere will, could turn out any of them, though of 20 or 30 years service; they depended upon him, and upon him only, for their means of living, and could not pretend to exercise an unbiassed judgment. All the public servants at Sheerness, excepting one, were allowed houses, which they let for their own emolument, and lived at Queenborough. Against Matt. Dodd, clerk of survey at Sheerness, he had brought some charges which occasioned a commission to inquire; and for the report of those commissioners he should take an opportunity of moving; for, if the House were ever called upon to institute an inquiry into any department, it should be into the conduct of that of Sheerness. We understood the hon. gentleman to add, that certain officers, who had been dismissed in consequence of complaints against them of a most serious nature, had been restored through the influence of the Queenborough connexion. He then went on to state the particulars relating to persons of the names of J. Farr, T. Pennal, J. Bachelor, W. Naylor, R. H. Tayler, and several others. He observed that a person of the name of John May had received his appointment since the reduction took place. The cases of H. Langley, R. Hall, and G. Pitt, were equally gross; but none of them exceeded that of W. Akid, who had been superannuated on 500*l.* a year; of all gross cases this was the grossest. He had been a storekeeper at Sheerness, and was superannuated in September, 1818, at the age of 72 years. He was succeeded in his office by a man of the name of Kennor, who possessed a large private property, and who was not less than 74 years old. Perhaps this appointment had been made with a view also to Kennor's superannuation. The case, too, was by no means solitary; if the hon. secretary of the Ordnance would allow him to go through his de-

partment, affording facilities of information, and undertaking not to dismiss those who supplied it, he would undertake to bring forward many similar instances of corruption. Nothing could exceed the dereliction of duty, the forgetfulness of the claims of the people, or the wanton waste of public money in that department [Hear!]. The whole 147 freemen, by the papers he possessed, he could show, receiving no less than 14,766*l.* 6*s.* besides houses, servants, and other allowances.

Having thus concluded his first list, Mr. Hume proceeded to his second, which was a return of the relatives of freemen of Queenborough, holding situations in the Ordnance. He read it; and it appeared from it, that 11 persons received 2,629*l.* 6*s.* 3*d.* per annum. He would not go through his third list in detail, lest he should fatigue the House. He, however, read several of the names, employments and salaries; the total of which he stated to be 3,735*l.* 10*s.* The following he introduced as a correct Abstract of the whole information he had procured:—

ABSTRACT.

No.			
1.	147	Freemen..................... 32 houses and apartments, and 9 servants found; officers at public expense.	14,766
2.	11	Freemen's sons or relatives .... three houses and three servants.	2,629
		Estimated profits arising from craft employed by the Ordnance, belonging to freemen of Queenborough....................	1,642
			£19,037
		total 35 houses and 12 servants.	
	32	Freemen,—28 belonging to Customs and preventive service, ineligible to vote; the other 4 eligible to vote .... exclusively of provisions, which several have found them by government.	3,735
	190		£22,772
		to which the expense of houses and servants in the Ordnance, and provisions in the Customs, makes it 25,000*l.* per annum.	

Having gone so much in detail into the subject, he had only one point further to submit, though that was one of the highest importance, viz. the manner in which the Board of Ordnance exercised its power over its dependants. On this question he was furnished with a list of no less than 16 persons who, after long and meritorious services, had been dismissed, to make way for freemen of Queenborough. One of the most remarkable was that of John Kennedy, who had been a freeman for 10 years, and a labourer for 8 years; he had a wife and 5 children, and was dismissed in February, 1818, on the ground that his services were no longer wanted; and James Robinson, a freeman aged 48 years, was appointed to succeed him. Though the regulation of the board was, that no man above 45 should be appointed, yet Robinson was selected, his recommendation being, that he was a freeman of Queenborough, and Kennedy's defect being that he was not. To prove this case, the hon. gentleman read part of Kennedy's memorial to the board. In the same manner H. Smith had made way for George May, 55 years old; J. Lee, for Joseph Kemp, 53 years old; and W. Aultand, for James Bachelor, 60 years old. R. Allan was removed after 15 years service for H. Pennall, who had never seen a day's service. The last case he should mention was that of J. Savory, who had been superseded by J. Eagle, a superannuated carpenter in the navy, with a pension of 40*l.* a year; he was no less than 77 years of age, and was soon afterwards again superannuated with an additional allowance of 16*l.* per annum. Having gone through these facts, the hon. member recapitulated some of the principal grounds on which he rested his motion. If the House rejected it, he should be perfectly ready to support a bill to enable the board, master-general of the Ordnance, or the Lords of the Treasury, to appoint the members for Queenborough, instead of going through the mockery of an election. By this means, if these useless officers, only retained for their votes, were dismissed, the public would save the important sum of 25,000*l.* a year. He concluded by moving "That leave be given to bring in a bill to disqualify persons holding civil offices in the Ordnance department from voting in elections of members to serve in parliament."

Mr. *Bernal* said, he felt very considerable pleasure in seconding the motion, not on the mere principle of economy alone, but on the general principle of protecting the purity of election. He did not look upon it as affecting any particular administration. He would support it under any. At the same time, he was far from denying that every administration ought to have its fair influence in the country. Such fair influence he was not disposed to curb; but he did not wish to see it overflow its proper bounds, and carry every thing by power alone, without leaving any thing to depend on the mere character of an administration. He had listened with attention to the many cases cited by his hon. friend, in which, in his opinion, the influence of the government had been unduly exercised: but it was not on the strength of any of those cases, or all of them, that he should vote; for if all of them could be satisfactorily explained, still the principle of his vote would remain unaltered. He thought, however, that even by those cases that principle was strengthened; and he hoped his hon. friend would extend his diligent labours to other branches of the civil government. He did not mean by this, that the great officers of the Crown should be excluded from seats in that House; on the contrary, he wished that they should be in parliament; but he did not wish that they whose support depended entirely on the patronage of ministers in several public departments should be allowed to vote so long as they held such situations.

Mr. *Robert Ward* said, that in rising to answer the hon. mover, and to state his opposition to the bill in every part, he had some difficulty, whether to commence with the conclusion of the hon. member's statement, or to go back to those with which he commenced. Notwithstanding the impression which the hon. member might have made on the House by his latter statements, he thought it would be better to take up the question and go on with it, as the hon. member had done; as he was confident, that he was enabled to give a satisfactory answer to every part of his speech. But first he begged to say of the proposed bill, that if it were of that vast importance which the hon. gentleman attached to it; if it went to create such a great change in the constitution of that House, he would put it to the hon. member, whether it would not have been better if he had complied with the request made by the hon. the chancellor of the exchequer, and have put off the discussion until his noble friend (lord Castlereagh), who represented the government in that House, should be enabled to attend in his place, and particularly under the circumstances of that noble lord's absence. The hon. member, however, was the best judge of his own conduct, and he would proceed to state the grounds of his opposition, to the motion. The hon. member by way of simplifying the motion, said he would confine himself to the Ordnance only. He had left out the navy; but there might, perhaps, be another ground for this "simplifying of the question." The officers of the Ordnance were generally found in opposition to the hon. gentleman and his friends, while many officers in the navy were known to give them their warm support. On this ground it was that the hon. member so simplified his motion as to leave them out. Of the bill as it was proposed to be brought in, he would say *in limine*, that it had his most decided opposition. He would oppose it, as unjust, and greatly injurious to very meritorious class of men, by charging them directly with being influenced by corrupt motives—a charge which, he must say, was wholly undeserved on their part.—The bill was unjust, because it went to establish that which the constitution had never recognised—that placemen had not a right to the elective franchise, or that they were prevented from sitting in that House. In support of his argument, the hon. gentleman had adverted to a number of acts of parliament, by which placemen of various descriptions had been disabled from voting for members of that House. Those acts, however were insulated in their character, and related to particular cases. They were never founded on any great and acknowledged constitutional principle. If they were, or if the hon. gentleman's present proposition was founded on a great and acknowledged constitutional principle, he was bound not to stop at the Ordnance, but to go through all the departments of the state. If this were to be done, he would ask all who knew any thing of the constitution, if that balance of power so essential to the preservation of the constitution, would not be altogether destroyed? The question was indeed a most important one. It was no less than this—whether there should be a

legislative act to take away the elective franchise from British subjects. He trusted the House would not allow the privileges of British subjects to be thus wantonly invaded. The hon. member exhibited great inconsistency. He ran counter to the wishes of his friends the reformers. He the advocate of universal suffrage, proposed by a single measure to destroy the elective franchise of 2,000 meritorious individuals. The motion in question was founded on the erroneous supposition that the parties were under the immediate influence of government. He must say that it was erroneous to assert, that the Navy or Ordnance was under the direct influence of government; and he could name cases where, by the influence and exertions of persons in the navy, individuals most hostile to the general measures of government were returned to parliament. He would name Great Yarmouth and Ipswich, from whence, by the support of members from the dock-yards, gentlemen who were known to be in opposition to government were returned to parliament. But he would not dwell further upon those cases, as no doubt they would be more fully entered into by other gentlemen, who would lend their assistance on this occasion. If he could show that in the Ordnance department no intimidation had been used, no influence exercised, to interfere with the elective franchises of those who served in that department, then the whole of the hon. member's arguments must fall to the ground. In his own office there was but one individual who, to his knowledge, had a vote. He was allowed to go three times to Maidstone to exercise his franchise, and that too in favour of a gentleman who was not one of the supporters of government. The only question that he had asked respecting him was, whether he was a good clerk, and being aswered in the affirmative, he gave not the slightest objection to the exercise of his franchise in what way he chose, though, for aught that depended on that vote, its effect might be to turn him (Mr. Ward) out of office. Then, he repeated that, unless the hon. member could show that a direct interference had taken place with those who served in the department, respecting their votes, his motion was without foundation. There was—and he hoped the House would bear it in mind—a decided difference between influence and interference. To such an audience it would be unnecessary for him to point out the distinction between the two. Influence belonged almost inseparably to rank, character, wealth, and to official power. All these had their various degrees of influence on the mind, whether it was that of respect, or hope, or fear; and it was impossible that they should not; but this was not interference. If any of these operated on others to produce a certain effect without being directly put into action, that would be fair influence; but if they were exercised to produce that certain effect, then it would be interference, and it would be illegal as far as it applied to the elective franchise. But, suppose for a moment that every freeman in Queenborough held employments under government, was that a fair ground for disfranchising every man, in whatsoever place he happened to be stationed, who held a situation in the Ordnance department? Suppose the duke of Bedford's tenants were many of them, as might naturally be expected, to vote for the friends of his grace, that would be a very natural and fair influence; but would any one be so absurd as to propose that because they so voted they ought to be disqualified? The hon. member felt himself justified in this measure, because, forty years ago, Mr. Crewe's bill respecting persons serving in another department had obtained a majority in that House. Four years after that, a measure was proposed respecting the Ordnance department. It was proposed by Mr. Marsham* who had been an unsuccessful candidate in Kent. Lord Melville, then a young man, got up in his place in that House, and said he did not know whether he ought to view with more of contempt or indignation, a proposition by which the hon. gentleman sought to disfranchise men for voting against him. This had its due weight with the House, and the measure was rejected. Mr. Pitt, who had supported Mr. Crewe's measure, opposed that of Mr. Marsham; and, having been charged with inconsistency in the two votes, defended himself by stating that he voted for the former proposition, because the House had, a short time before that, come to a resolution, that the influence of the Crown had increased, was increasing, and ought to be diminished. The influence was diminished by Mr. Crewe's bill;

* Afterwards earl of Romney. For the debate on Mr. Marsham's Bill, See New Parl. Hist. v. 25, p. 1323.

but the proposition of Mr. Marsham would tend to take away all influence from the government. That the great offices of the Crown had an influence could not be denied; nor ought it to be complained of, unless it was unfairly exercised. He would quote an authority on this subject, which would not be disputed on the other side—that of lord St. Vincent, who said, that if an election were going on he would telegraph ships at sea, in order to let them send those men who had votes on shore to exercise them. Now, he did not complain of this as unfair influence; and yet it was more than what the hon. member would allow in the present instance. But the employment of freemen in Queenborough was not new; and yet, with all this government influence which the hon. member complained of—with all the corruption he assumed, it was wrested from the official candidates, in 1802, by Mr. Princep and the hon. member for Coventry. Sir S. Romilly, than whom no man had stood higher for character and talents, represented that borough twice—once with the interest of government, and another time against that interest. No person would have accused that highly respectable individual of improper interference, or of exciting unjust influence, if he had applied to the hon. gentleman opposite (Mr. Calcraft), who was, on one of those occasions, in office in the Ordnance department, for his interest when he became a candidate. But he had mentioned that in 1802 it was wrested from the official candidates. Now, one of them on that occasion was no other than Mr. Sargeant, the secretary to the Treasury. He, however, did not succeed, notwithstanding that it was this corrupt borough the hon. member had described, and where the influence of government was so powerful. In 1806, there was a change of government, and the new administration succeeded for their friends, where lord Sidmouth's administration had failed before. But it was in the very nature of boroughs that there should be a great influence over them in some quarter, and no human wisdom could prevent it. The hon. member's calculation was this—that out of 200 freemen in Queenborough, 146 were provided with situations under government. Now, admitting that to be as he described it, was it a ground for carrying his Utopian scheme of disfranchising upwards of 2,000 individuals who held situations under government?—But the proposition went further than the hon. member intended, for it went in effect to all the offices of the state. Besides those objections which he held to be fatal to the measure, there was another in which it was inconsistent with itself. It allowed those officers and others of the Ordnance department to be eligible to seats in parliament, though it did not admit them to vote at elections; but surely it must be evident, that if they were capable of being corrupted as electors, they would be liable to the same objection as members. In 1802, many had voted against government, but none had been dismissed on that account. The hon. gentleman ought to have given cases of interference, and not of influence. Personally, he (Mr. Ward) knew no more of Queenborough than he did of Aberdeen, but he was informed that the whole number of freemen was 292. Of these, 118 were constantly, and seven occasionally employed by the Ordnance. There were also four persons who received small pensions, to which their length of service justly entitled them. Thus it appeared, that 129 persons were employed, or might be supposed to be under the influence of government; while there were 163 unemployed, who, if they chose to do so, might produce a majority of 34 against the Ordnance. Here, then, the hon. gentleman's premises failed him. He would deny that any places had been created for the purpose of employing and influencing freemen. The hon. gentleman ought to have given notice of the cases to which he referred. Kensley had been employed 10 years, and when the magazine of which he had been foreman was put down he was noted to be appointed to the first freeman's place that should fall vacant, and he was still so noted. Savory was discharged when the reductions took place in 1817, but was continued as a labourer. When Eagle was superannuated Savory had not applied, and the board could not know by name every labourer at 2*s.* 4*d.* a day whom they employed. They had never heard more of Savory. Samuel Smith had been sent to Tipner, near Portsmouth, because there was no room for him at Sheerness; and there he still was. Though the rule was, that none should be employed above the age of 45, there were exceptions where previous services or other considerations required. He denied that he had ever said he would discharge

any persons for giving information to the hon. gentleman. The hon. gentleman had said to him, "I have sent to measure the ship, and to ascertain whether it is 56 tons, as you say, or 36 tons." "If you have, and those on board admit any persons without the orders of their superiors, they shall be dismissed." He expected that the hon. gentleman would contradict this, and say it was only 36, when he (Mr. W.) was prepared to show that it was 56 tons. The Harmony was the name; but the hon. gentleman would now have it to be the Lord Howe. The hon. member had likewise stated that Mr. Breeze, who lived at Waltham-abbey, possessed a salary of 250*l*. a year, and certain fees by way of gratuity, amounting to 250*l*. a year more. Now, he could wish the hon. member would state figures as he found them, which, he was sorry to to say, he was not in the habit of doing. In the papers before the House the salary of Mr. Breeze was rated at 200*l*. a year, and he could assure it, that even with the gratuities, the salary did not amount to 400*l*. a year.—The hon. member then proceeded to give a positive denial to some, and an explanation of others, of the facts to which Mr. Hume had alluded in defence of his position, that the persons in the employ of the Ordnance had let the houses found them by government at Sheerness, and had gone to reside at Queenborough. He likewise denied that officers of the Ordnance, employed at Portsmouth, had been discharged from the service for such malversation as had been overlooked in those employed at Queenborough. He then proceeded to notice the accusations which Mr. Hume had thrown out against all the officers of Ordnance at Sheerness. He had charged them with stealing coals which belonged to the government, and with converting wood that was public property to their own purposes. That there was no foundation for any such charges, he could now inform the House in consequence of an investigation which had recently been concluded. [Hear, hear, from Mr. Hume.] He could assure the hon. member that he (Mr. H.) had formed no part in the drama which had recently been acted. The board of Ordnance had not sent down the commission of inquiry in consequence of his speech; they had acted upon information transmitted to them subsequently to the time at which that speech had been made. The commissioners sat a week: they advertised, as it were, for complaints, Savory, who had put his case into the hon. member's hands, and who had kept a book containing an account of all the occurrences in the yard, in consequence of the disappointment which he had experienced—Savory was examined before them, and chose to say, that certain of the officers had pilfered coals from the public stores. The charge was of course examined into; and it was then found that the officers had lent a quantity of coals to the public, which they had afterwards taken back to themselves from the public stores, by the leave and with the knowledge of the contractor. The officers thus accused were declared perfectly guiltless; and he deemed it requisite to state that fact publicly, as the reputation of respectable men was at stake, who had been accused by the hon. member merely because he had the power of accusing them. Certain officers had been suspended during the inquiry; but all of them had been restored at the conclusion of it, as not even a shadow of guilt attached to their characters. It was, however, the intention of government to place them upon half pay, as soon as the removal of the stores to which they belonged could be accomplished.—Mr. Ward next alluded to the statements of Mr. Hume relative to the situations and pensions of the storekeepers at Queenborough and Dover; and said that he was surprised that the hon. member should again bring them forward, contradicted as they had been on the very evening when he first produced them refuted as they had been a second time when he dared to commit them to the newspapers, and re-refuted as they had been on a third occasion, when he had presumed to hazard them once more in the presence of parliament.—He then proceeded to comment upon the case of Mr. Dakins, who had been superannuated at the age of 72—a case which, though it contained nothing extraordinary, had been stated in such a manner by the hon. member for Aberdeen, that every hand was raised in the House against the unprecedented corruption which it had displayed. He had talked of the profligacy of placing a man aged 73 in the office previously occupied by another aged 70, who had been superannuated on full pay; and had endeavoured to prove that he was only placed in it in order to entitle him to the same superannuation. Now he begged leave

to set the House right with regard to this case. Mr. Dakins was the storekeeper at Sheerness, and, being grievously afflicted with the stone, asked leave to retire. Permission was granted him to do so; and, as he had been 56 years in the service, he was superannuated with full pay. He trusted that the House would not find fault with the act of justice—he would not call it generosity—which had been exercised towards this individual: sure he was, that it was not in violation of any existing law. The person appointed to succeed him, was a strong hale man, of 73, who had been 46 years in the service, who was the next in succession, and who had made application for the office in question. Now, under such circumstances, what just grounds could there be for refusing him the appointment? The right hon. gentleman concluded by expressing his hope, that he had said enough to convince the House that there was no necessity for the proposed Bill.

Colonel *Davies* supported the motion, which he contended was founded on the best and the most ancient principles of the constitution.

Mr. *Tierney* said, that upon this question he could not give a silent vote, lest his conduct should be exposed to misrepresentation. In deciding upon the vote which he meant to give on the present occasion, he entirely threw out of his view the general charges brought by his hon. friend against the Ordnance department, as well as the reply made to them by the right hon. gentleman. He did not know, indeed, how he could come to a safe vote upon these charges, without having the benefit of a previous investigation of them through the labours of a committee. Throwing these out of view, the point to which he wished to call the attention of the House was, that upon which he was inclined to support the proposition of his hon. friend. He was bound to show that in acceding to this motion, he was adopting no novel proceeding—that he was pursuing no new theory; but on the contrary acting remedially, and in the spirit of the existing law. As the law stood, it prevented numerous classes from voting at elections. In 1782, a law was passed to prevent public officers in the Excise and Customs from voting at elections. That law was found so salutary, the advantages of it were so universally felt, that twenty years afterwards, on the union with Ireland, the provisions of the statute were extended to that country. He certainly felt unwilling to disfranchise any part of his fellow subjects; but he sat there not to consider the interests of a part, but the general advantage of the whole people; and nothing, in his mind, was so likely to promote that advantage as to preserve the purity of the representation. The upshot of what had passed during the debate amounted to this, that the government had a decided influence in the election of members for Queenborough. Out of 280 electors, 129 were attached to the Ordnance department. It was therefore impossible that the majority of the voters should not be in the interest of government. It was for the House to consider whether, in point of fact, the borough of Queenborough did not belong to the administration of the day. The right hon. gentleman opposite had made a distinction between influence and interference. He had no doubt that the right hon. gentleman would not exert his influence in an illiberal manner; yet he might, perhaps, express some surprise if a gentleman in his department asked permission to vote at Queenborough for a popular candidate, against the government. 129 persons, holding good places—some grateful for past favours—some expecting future rewards, were likely, at every election, to support the government candidate; it was not, then, too much to say, that the borough belonged to the Ordnance department. The law for disfranchising officers in the Excise and Customs was made, because it was apprehended that small boroughs (of which there were too many) would become entirely under the control of the minister of the day, if revenue officers were allowed to vote. Indeed he was convinced, that if it were not for that salutary law, the revenue officers, in some places, would become the prevailing party. If the government, for a number of years, acted on a steady but pernicious principle, they would (had not that law been passed) have acquired an influence in elections which he was sure no gentleman in that House would wish. He was not for disfranchising any man unnecessarily—he would wish to confine the bill to the borough of Queenborough. He would not wish to exclude officers of the Ordnance throughout the kingdom from voting, because they were in most places, mixed up with the rest of his majesty's subjects, and nothing formidable was to be appre-

hended from them, save in the borough of Queenborough. There might perhaps be one or two other places, where the influence of those officers might become dangerous; if so he would have the principle of the bill extended to such places. He had no objection to extend the provisions of the act of 1782, which disfranchised revenue officers, to officers in the Ordnance department, where the same danger was to be apprehended from the exercise of their franchise, as that which was so wisely guarded against in the instance of officers in the Excise and Customs. He was unwilling to mix up with this particular motion the grand question of parliamentary reform, as in the course of a few days gentlemen would have an opportunity of delivering their sentiments at length upon that important measure. He would vote for bringing in the bill, with this understanding, that it was intended as a remedy to be applied to a particular disease—that it was to have reference merely to the borough of Queenborough.

Mr. *Bathurst* contended, that the principle of the bill, were it entertained by the House, could not be confined to Queenborough nor to the Ordnance department; it would extend a great deal further, and would be applied in the next instance to the navy and to others. It was impossible to separate the present question from the general subject of parliamentary reform. He could not approve of a measure which went to disfranchise, without adequate cause, a number of his majesty's subjects.

Mr. *Hume* replied to the statement of the right hon. clerk of the Ordnance. He had understood the right hon. member to say that Savory had not applied to the board for employment: upon that point he would lay proof positive before the House, for he held in his hand a document no less decisive than the answer of Mr. Crewe to Savory's application, stating, that his request had been laid before the board, and that no situation could be found for him. The hon. member then went on to charge undue partiality upon the arrangements of the Ordnance department, and the grant of especial advantage to those servants of that department who chanced to be freemen of Queenborough. The voters of that borough took, he said, annually from government a sum of not less than 25,000*l.* and it was impossible to expect, under such circumstances, an unbiassed exercise of the elective franchise: 147 freemen of Queenborough were employed in the Ordnance service, and their united salaries amounted to nearly 15,000*l.* per annum. Could those persons, holding their situations at the pleasure of government, and feeling that their advancement depended entirely upon the good will of their superiors, be taken as uninfluenced? He did not seek to abridge the right of any English subject. He only sought to place the civil branch of the Ordnance service in the same situation with the Customs, the Excise, the Post-office, and other public departments; and to bring its practice within those principles which formed the basis of every act touching the regulation of the elective franchise, from the reign of William and Mary down to the present period.

The House divided: Ayes, 60; Noes, 118;—Majority against the motion, 58.

List of the Majority, and also of the Minority.

MAJORITY.

A'Court, E. H.
Bankes, G.
Bankes, H.
Bathurst, C.
Beckett, J. R.
Beresford, sir J. P.
Bernard, visc.
Brandling, C. J.
Brogden, J.
Browne, J.
Browne, D.
Browne, P.
Bruce, R.
Brydges, ald.
Buchanan,
Burgh, sir U.
Calthorpe, F. G.
Calvert, J.
Canning, G.
Cheere, E. M.
Cholmeley, sir M.
Clements, J.
Clerk, sir G.
Clive, H.
Cockburn, sir G.
Collett, E.
Congreve, sir W.
Cooper, B.
Cooper, E. S.
Copley, sir J.
Corbett, P.
Courtenay, T. P.
Courtenay, W.
Cranborne, lord
Cumming, G.
Cust, W.
Cust, E.
Cust, P.
Dent, J.
Dobson, J.
Domville, sir C.
Dowdeswell, J. E.
Drummond, J.
Elliot, hon. W.
Ellis, C. R.
Estcourt, T. G.
Finch, G.
Fleming, J.
Forbes, C.
Gladstone, J.
Gordon, R.
Grant, A. C.
Graves, lord
Grosett, J. R.
Hardinge, sir H.
Hare, hon. R.
Hart, W.
Hill, sir G.
Holford, G.
Holmes, W.
Hotham, lord
Huskisson, W.
Innes, sir H.
Irving, J.
Lester, B.
Lewis, W.
Lockhart, E.
Long, sir C.
Lushington, S. R.
Luttrell, H.
Macnaughten, E. A.
Marryat, J.

Martin, sir B.	Russell, J. W.
Martin, R. (Galway)	Scott, H. J.
Metcalfe, H. J.	Shaw, R.
Money, W. T.	Shiffner, sir G.
Monteith, H. G.	Sneyd, N.
Musgrave, sir J.	Somerset, lord G.
Nolan. M.	Sotheron, F.
Nightingale, sir M.	Stewart, W.
Onslow, A.	Strutt, J. G.
Osborne, lord	Suttie, sir J.
Paget, B.	Townshend, —
Palmerston, lord	Twiss, H.
Pearse, J.	Vansittart, rt. hon. N.
Penruddock, J.	Walker, J.
Percy, hon. H.	Wallace, T.
Phipps, hon. E.	Walpole, lord
Pitt, W.	Ward, J. W.
Pitt, J.	Wemyss, J.
Pole, rt. hon. W.	Wetherell, C.
Prendergast, W. G.	Wyndham, W.
Rae, sir W.	Yarmouth, lord
Ricketts, C.	TELLERS.
Robinson, F.	Goulburn, H.
Rocksavage, lord	Ward, R.

MINORITY.

Allan, J. H.	Lennard, T. B.
Althorp, visc.	Mackintosh, sir J.
Barratt, S. M.	Marjoribanks, S.
Benett, J.	Martin, J.
Bennet, hon. H. G.	Monck, J. B.
Birch, J.	Moore, P.
Bright, H.	Palmer, C. F.
Bury, visc.	Pares, T.
Cavendish, H.	Parnell, sir H.
Chetwynd, G.	Ramsden, J. C.
Colburne, N. R.	Ricardo, D.
Crespigny, sir W. D.	Rickford, W.
Davies, T. H.	Ridley, sir M. W.
Denman, T.	Robarts, A.
Duncannon, visc.	Roberts, G.
Ellice, E.	Rumbold, C.
Fergusson, sir R. C.	Scarlett, J
Gordon, R.	Smith, hon. R.
Graham, S.	Smith, W.
Grant, J. P.	Smith, J.
Grattan, J.	Stewart, W.
Guise, sir W.	Stuart, lord J.
Haldimand, W.	Sykes, D.
Hamilton, lord A.	Taylor, M. A.
Heron, sir R.	Tierney, rt. hon. G.
Hobhouse, J. C.	Whitbread, W. H.
Hornby, E.	Whitbread, S. C.
Hurst, R.	Williams, W.
Hutchinson, hon. C. H.	Wyvill, M.
James, W.	TELLERS.
Jervoise, G. P.	Bernal, R.
Johnson, col.	Hume, J.
Lambton, J. G.	

Scotch Malt Tax.] The Chancellor of the Exchequer moved, "That the several petitions presented to this House during the last and present Sessions of parliament, complaining of the additional duty on malt in Scotland, or of its effects in increasing illicit distillation, be referred to a select committee to examine the matter thereof; and to report their observations thereon to the House."

Mr. *Monck* opposed the motion, upon the ground that England and Scotland ought, as regarded the duty, to be upon an equality. He hoped, in a future session, to see the tax overcome by the united efforts of both countries.

Sir *G. Clerk* observed, that the question as it regarded Scotch barley was very distinct from the general question of the malt tax. A motion respecting the additional duty exacted from Scotland had been brought forward by the noble member for Lanarkshire. On that occasion the chancellor of the exchequer had pledged himself to take the subject into consideration.

Sir *R. Fergusson* said, he knew the course he was about to take was unpopular; but, as he believed the committee was proposed, not with a reference to the merits of the measure itself, but as a boon to the Scotch members to vote with the minister, he would oppose the motion.

Mr. *Mackenzie* denied the assumption, that the present measure was intended to induce the Scots to vote with the administration. It was too much for gentlemen to oppose a committee on such an opinion as that. The leading object of the committee was, to enquire whether the statements of some of the Scots counties were correct. If their claims were not well grounded, he was sure the House would not listen to them.

Mr. *J. P. Grant* supported the motion though he confessed it was brought forward under very suspicious appearances.

The *Chancellor of the Exchequer* said, he had given his promise to accede to a committee so early as last session.

Sir *M. W. Ridley* said, he would vote for the motion, if the chancellor of the exchequer would give a proof of his sincerity, by allowing the committee to consider the case of the growers of inferior barley in England also. In Northumberland they suffered as much under the tax as in any part of Scotland. The House divided: Ayes 56; Noes 17.

List of the Minority.

Allan, J. H.	Fergusson, sir R.
Althorp, lord	Graham, S.
Bennet, hon. H. G.	Hobhouse, J. C.
Bright, H.	Hume, J.
Colborne, R.	Johnson col.

Palmer, F.	Smith, J.
Ricardo, D.	Taylor, M. A.
Ridley, sir M. W.	TELLERS.
Smith, hon. R.	Gordon, R.
Smith, W.	Monck, J.

HOUSE OF COMMONS,

Friday, April 13.

BANK CASH PAYMENTS BILL.] On the motion, that the bill be read a third time,

Mr. *Ellice* wished to draw the attention of the chancellor of the exchequer to one provision, which appeared to have escaped his observation; but which a number of persons who were very much interested in the effects of this bill considered of great importance. By the law as it now stood, the Bank was not compelled to give small notes in exchange for large ones. Now, as some inconvenience might arise to the public, in consequence of the alteration proposed by this bill, and as country banks might be placed in a certain degree of difficulty, if they could not procure small notes to meet any casual run upon them, under peculiar circumstances, he thought a clause might be added, as a rider to the bill, compelling the Bank to give, in exchange for their larger notes, either legal gold coin of the realm, or bank of England one-pound notes.

The *Chancellor of the Exchequer* did not see the necessity of adding such a clause to the bill. There would, he was sure be no objection, at the Bank, to exchange those large notes for current gold coin of the realm, or for one-pound notes. An hon. director had distinctly stated, that the Bank was prepared in any possible event, either to give small notes or the current coin of the realm, in exchange for notes of a large amount.

Mr. *Ellice* observed, that if he understood the right hon. gentleman, he stated that the Bank were now bound by law to exchange large for small notes or the current coin of the realm. If this were so, then certainly the clause he proposed was unnecessary. He did not wish to press the clause against the consent of the right hon. gentleman; but if he withdrew it, it was on a distinct understanding that the Bank were now compelled by law, to give either 1*l.* notes, or current coin of the realm, in exchange for large notes.

The *Chancellor of the Exchequer* said, that rather than be responsible for any mistake, with respect to the existing law, he would agree to the clause.

Mr. *Grenfell* believed that the Bank neither was nor would be bound by law to pay its large notes in smaller notes or in cash, until 1823. Having this impression, he hoped his hon. friend would press his proposition.

Mr. *Scarlett* said, before the late bill passed, the Bank were precluded from paying in cash at all. A new discretion would be given to them by the present bill; but there was no law that he knew of, which rendered it imperative on them to pay their large notes in small ones.

Mr. *Littleton* was confident that if the clause proposed were not enacted, great mischief would be the consequence. He could assure the House that the subject was one on which the country bankers felt much anxiety. It would inspire them with great confidence, if the clause were added to the bill.

Mr. *Bankes* was convinced that to withdraw the small notes from circulation would serve to aggravate the distress of the country. The Bank should be obliged to supply the country with one pound notes for the accommodation of the public. If, indeed, small notes were withdrawn while gold was issued at its sterling value, he could not conceive it possible to prevent the export of gold. Small bank-notes should be circulated in conjunction with gold; and so long as that was the case, he had no doubt that the former would be generally preferred, as notes were so much more convenient to carry than gold, and formed a great protection against robbery, thieves very naturally feeling it dangerous to deal in articles so likely to lead to detection. In order to guard against the export of our gold coin, it would, in his opinion, be expedient that it should rather be a token than a representative of value. This was the only country in Europe which did not charge seignorage; and that was a disadvantage to us which might be as fairly met by issuing gold, and silver also, as tokens above their real value, as that the bank-note should be the standard of value. Such a plan appeared to him the only one that could be devised to prevent our gold coin from being exported. For instance, he would have the sovereign pass for a guinea, and the crown, as well as other denominations of coin, for something more than their real value.

Mr. *Bennet* said, he should prefer a very great degree of public inconvenience to the numerous and dreadful evils which

attended the circulation of one-pound notes. He hailed with satisfaction the announcement of that new system which the Bank was about to adopt, as one of the greatest benefits that could be conferred on the country. The existing practice appeared to him in no other light than as a bounty on the commission of crime; and he must regard the whole subject as second to none whatever in importance. Every gentleman who would take the trouble to go through the list of prosecutions for the forgery of bank-notes, would see the alarming increase in the number of offences, generated by a departure from the sound principles of our ancient currency. Not only had great evils been produced, but he apprehended that a foundation had been laid for their continuance. He had drawn up a comparative statement of offences tried and punished during 14 years previous to 1797, when the suspension of cash payments took place, and the same term of years which had immediately followed. The inference from this statement was, that the act of 1797 had given birth to a new crime to which a punishment was annexed inferior in severity to that of murder only; and, notwithstanding this, that the number of offences had been tripled throughout the country generally, and in London had increased seven-fold. The hon. gentleman here stated various accounts, specifying the number of convictions and executions at different periods. The loss sustained felt chiefly on the smaller shopkeepers; and it appeared that from the year 1812 to 1818 there were presented to the Bank 154,465 forged notes, of which 128,800 were 1*l.* notes and 18,562 were 2*l.* notes. All this information went to establish one point, which was, that the severity of punishment had not served to correct or prevent the crime. From the year 1805 to 1818, the number of persons convicted of forgery was 501 of whom 207 had been executed, being a far greater proportion than had suffered capital punishment for any other offence except murder. Nevertheless, as he had before stated, the crime was tripled in the country, and had increased sevenfold in London. These facts were sufficient to deter any government from again embarking in so dangerous a career—a career which had proved beneficial to no parties except the Bank itself, whose proprietors, and he mentioned it not in the way of reproach, had been enabled by it to divide 25,000,000*l.* amongst themselves.

Mr. *Cripps* expressed his opinion, that the wants of the community could not be adequately supplied by a cash circulation. If any alarm should arise, and a run upon the banks take place in consequence, the gold would be immediately exported. He could not agree, however, with the suggestion, that it would be more advantageous to circulate the gold in the shape of tokens rather than as coin. With regard to the increased number of forgeries, it was to be attributed, partly to the increase of population, and partly to the general substitution of paper for coin. He believed that a reference to the late assizes would show, that offences of every other kind had also multiplied.

Mr. *Pearse* observed, that there seemed to be but one opinion with regard to the propriety of passing this bill. He really did not see any reason for the alarm that was represented to have taken possession of the country banks. The Bank of England had alway been solicitous to consult the interest and convenience of the public, and to afford all the accommodation in their power. In confirmation of this, he might allude to the respectable authority of the late Mr. Horner in 1810. Here the hon. director read an extract from the bullion report. The Bank had, in the judgment of the committee, exercised a very great degree of forbearance and discretion, in not converting to their own profit the means placed at their disposal, and had fully justified the confidence reposed in them by the public. He was not aware that any thing had subsequently occurred which ought to change this opinion of their conduct.

Mr. *Grenfell* said, that the hon gentleman was never more mistaken than when he represented him as differing in opinion from his late lamented friend Mr. Horner. On the contrary, there was no one step which he had not taken in perfect concurrence with that learned gentleman. The hon. member adverted to a speech of Mr. Horner, in which he characterised the transactions between the government and the Bank, as a scene of rapacity on the part of the directors, and of extravagance and profligacy on the part of the chancellor of the exchequer.

Mr. *Monck* begged to call to the recollection of the House, what had been the extent of the great forbearance of the Bank of which so much had been said.

In 1797, their issues of paper amounted to 8,000,000*l.*; and in 1817 they were 30,000,000*l.* This increase formed a pretty accurate gage and admeasurement of their forbearance! With respect to what had fallen from an hon. gentleman, he begged to observe, that he had never pretended to state the precise amount of the reduction in the issues of the country banks. He had only stated, that a very great reduction had taken place. He denied that the fall in the price of bullion within the last two years was any measure of the depreciation of other commodities. So far was this from being the case, that, while bullion was not depreciated more than four or five per cent, all other commodities had fallen as much as 25 per cent. With repect to the Ricardo system, which substituted payments in bullion for the ancient currency, it was, in his opinion, neither more nor less than a cheat and a fraud upon the public creditor. It was a violation of the public faith, in so far as it was a departure from established usage. It was one thing, when the value of the precious metals was kept down by intrinsic causes—over which we had no control, and another when it was affected by artificial tricks and contrivances, by innovations on the laws which regulated the currency, and by forcible legislative enactments. The Ricardo system might protect the Bank against the effects of any sudden run, it might facilitate the collection of the revenue; but the great objection to it was, that it was a violation of the public faith, and that it operated as a bar to a return to cash payments, and tended to perpetuate the paper system, with all the evils, moral and political, which were inseparable from an artificial currency.

Mr. *Calcraft* said, that hon. gentlemen had argued as if the Bank restriction act was a measure asked for by the Bank, whereas it was forced upon them by the government, and by the political occurrences of the day. It should be recollected that the Bank was the representative of a large body of persons, whose interests they were bound to protect. He saw nothing reprehensible in the conduct of the Bank; on the contrary, his opinion had always been, that their conduct reflected the highest credit upon them as trustees of the body for whom they acted.

Mr. *Wilson* said, that when the hon. member spoke of the increased issues of the Bank, he ought to have considered what was the cause of that increase. He ought to have remembered, that the peculiar occurrences of the times had drained the country of its specie, and that it became absolutely necessary, that another currency should be substituted in its place. He thought the charges which the hon. member had made against the Bank, were neither founded on fact nor reason. As an individual, he considered every acknowledgement due to the directors for the high honour and integrity which had marked the whole of their proceedings.

Mr. Alderman *Heygate* expressed his doubt as to the efficacy of the bill. He wished to ask the chancellor of the exchequer, whether the Bank had a sufficient quantity of specie to replace, not only the whole of their own small notes, but those also of the country banks, which must be drawn out of circulation. He made this inquiry because it was not unlikely that the country bankers would withdraw their one pound notes as soon as this measure came into operation. The issue of those notes, by country bankers, was the least profitable, but most troublesome part of their business; and they had some time since an intention of withdrawing their small notes, which was not carried into effect, purely out of a consideration for the inconvenience it would produce to the country. If the Bank had been forced into their situation by the government, it was not fair to blame them for the effects which that situation had produced.

Mr. *Ricardo* said, he should not have blamed the Bank if they had only increased their issues to an amount sufficient to replace the gold coin that had been removed from the country; but they had extended their issues far beyond what was necessary for that purpose, and to this increase of circulation he ascribed all the depreciation which had followed.

The bill was read a third time. After which, Mr. Ellice brought up a clause for compelling the Bank to give in exchange for their large notes either 1*l.* notes, or legal coin of the realm. The bill was then passed.

Army Estimates.] The House having resolved itself into a committee of supply, and parliament moved, "That 14,474*l.* 15*s.* 5*d.* be granted for defraying the charge of the allowance to the Com-

mander in chief and his personal staff, his secretaries, their assistants and clerks, &c. for the year 1821."

Mr. *Hume* said, he rose to move a reduction of 2000*l.* and would state the grounds. In 1807, the allowance to the commander-in-chief was nine guineas a day; but in 1815, it was raised to 16 guineas a day. He thought it would be proper to reduce it to what it was in 1807, which would make a reduction of somewhat more than 2000*l.* That sum, however, he would have reduced on the whole department, leaving it to the head of the department to apportion the allowances provided for by the remaining 12,000*l.* There was a military secretary, who had 2,000*l.* He did not intend to meddle with the principle of increasing allowances with the increase of duties, but would state the facts. In 1803, the salary was but 900*l.*; it was increased when the important duties which general Gordon had to perform made some augmentation necessary; but it was never intended that such increase should be permanent. Then there was another secretary, and an assistant secretary, one of 600*l.* the other at 365*l.* He thought that the 600*l.* might be saved to the country. He then proceeded to observe upon the increase which had taken place in the allowance to the other officers of the department, and which, he contended, ought to be diminished. In 1807, the first clerk had 300*l.* now it was double; the established clerks had 190*l.* 160*l.* and 120*l.* each; now they had 450*l.* The minor clerks were 80. and 90*l.* now they had 200*l.* each. If the reduction brought the establishment down to what it was in 1807, it would not be too great a reduction. The establishment then altogether, along with its contigencies, was about 12,000*l.* now it was increased to 14,474*l.* He knew it was the opinion of some who wished for reduction, that it should not fall on the commander-in-chief. He did not wish to fix it upon any one; but would leave the head of the department, as he before stated, to apportion the reduction among the officers as he saw proper. He thought also, that a chaplain to the commander-in-chief was unnecessary, as there were four chaplains to the forces, besides several others who could perform the service. He concluded by moving as an amendment, that the sum proposed should be reduced by 2,000*l.*

Lord *Palmerston* said, that in the reference which the hon. member made to the establishment of 1807, acccording to which he proposed to reduce the present one, he did not understand whether the hon. member intended that the pay of the commander-in-chief should be reduced or not; but whether he did mean that or not, there was no good ground laid for his amendment. The duties of the commander-in-chief were not paid higher than their importance required. Was it of little moment that the commander-in-chief had to dispose of the patronage of the whole army [Cheers from the Opposition]? He said this advisedly. The more high and delicate patronage was, the greater the responsibility of the office, and the more necessary that the salary should be an adequate one. Supposing there was a possibility of abuse, and he said this only in the abstract, the salary ought to be such as to give an additional security against such an abuse, by removing the chances of temptation. Then, as to the civil part of the establishment; the hon. member had not given any sufficient ground for reducing it. The expense of that branch in 1807, including two secretaries, was 7,560*l.* and now it was only 7,666*l.*, making only and increase of 106*l.* There was therefore no ground for a reduction of 2,000*l.* He then proceeded to show, that the military secretary was not too highly paid, on account of the numerous and laborious duties which he had to perform. Those duties occupied him eight hours a day, sometimes including Sundays. The military secretary had interviews with officers to the number of 50 and 60 a day, who had statements to make; and he had likewise to conduct the correspondence. The assistant secretary had also very laborious duties to perform; he had to manage the details of correspondence, on which the military secretary decided; 600*l.* a year was not too much for this service. As to the chaplain, it was an appointment belonging to the chaplain-general, and the salary was fixed by the act of 1817. He repeated, that there was no room for reduction, as there was only 100*l.* difference between the allowances for the civil department of 1807 and the present time.

Mr. *Bernal* contended, that the country had a right to look for some reductions in the sixth year of peace. He objected to the practice of making an augmentation once allowed perpetual. The argument against reduction upon this

ground would be equally strong in the twelfth year of peace as at present; so that the country was not to expect any diminution of those war establishments, whatever, might be the duration of tranquillity.

Lord *Palmerston* said, that the argument of the hon. member was not correct. The charge for this establishment was not of a fixed nature, but varied according to circumstances. The estimates were always made out with a view to the necessity of the current year.

Colonel *Davies*, though he agreed that the commander-in-chief was not overpaid, considered it absurd that the present reduced number of clerks in the office should receive an equally large amount of salary as when they were eight more in number. He had the strongest objection to the continuance of the chaplaincy, which might very well be dispensed with.

Mr. *Sykes* said, there was always an ingenious excuse offered for any increase of public expense. The noble lord had argued, that large patronage justified large salary; but if this were correct, the commander-in-chief ought to have had three times his present salary during the war. He confessed that he looked at the situation of the country with dismay; especially as he saw no disposition on the part of the House to economize. The salaries had been raised on account of the unfavourable change in the currency, and as that currency had now arrived at a more favourable state, those salaries ought to be proportionably reduced.

General *Gascoyne* bore testimony to the severe duties of the military secretary to the commander-in-chief. The present holder of that important office had been there so early as the year 1793; and surely the same principle of remuneration which prevailed in every other public office, might reasonably be applied to the office of the commander-in-chief. When the duke of York was first appointed commander-in-chief, his salary and allowances were lower, than at present, because his own rank was then lower. When the duke of Wellington was made field-marshal he had insisted upon his full pay for the situation as well as for his rank.

Lord *Palmerston* said, that so far from the duke of Wellington having insisted upon his full pay for his situation and his rank, that arrangement was made without any previous communication with his grace.

Mr. Alderman *Wood* said, that if the 2,000*l.* proposed to be reduced were left to be a scramble, perhaps the reduction would fall upon those who could least afford to become the objects of its operation. He would rather that it should be effected on the salaries and emoluments of those noble persons who were better qualified to sustain such a reduction.

Lord *Milton* could not consent to give the same salaries now as in former years. The situation of the country was much altered from what it had been, when those salaries were granted. It behoved parliament to look into the different statutes by which increased allowances had been made to the royal family, the salaries of the judges, and so on; and into all the other acts passed at a time when the state of the currency and the rise of prices made such provisions necessary. He called upon the landed gentlemen not to lose sight of this important duty. They could not collect their rents; the farmer could not dispose of his produce; and almost every class had to deplore the same overwhelming depreciation. He saw no reason why persons in public offices, and annuitants upon the public, should be alone exempted from any decrease of means or fluctuation of property.

Mr. *Goulburn* said, that such an argument, if it were good for any thing, was equally applicable to the stockholder and public annuitant—a doctrine which was too absurd to require refutation.

Mr. *Abercromby* suggested the expediency of a review, by government, of the situation of all the clerks of all the public departments, with a view of making every possible reduction.

Mr. *Monck* contended, that the time had arrived when every possible reduction ought to be effected.

Sir *H. Parnell* observed, that when in 1804 Mr. Pitt proposed an increase of salaries to various public officers, it was on the ground of the depreciation of the currency. That depreciation no longer existing, the salaries ought to be reduced to their original amount.

Mr. Alderman *Wood* said, that the highest offices ought to sacrifice a part of their salaries, and then they might fairly call upon the subordinates to do the same.

Mr. *Hume* expressed his concurrence in what had fallen from the worthy alderman. The commander-in-chief should begin the reduction, and not the minor clerks.

The committee divided on Mr. Hume's amendment, that 2,000*l.* be deducted from the salary of the commander-in-chief: Ayes 23; Noes 94.

List of the Minority

Beaumont, T. W.	Milton, lord
Bennet, hon. G. H.	Monck, J. B.
Benyon, B.	Nugent, lord
Bernal, R.	Ord, W.
Carter, J.	Parnell, sir H.
Denman, T.	Pryse, P.
Gordon, R.	Ricardo, D.
Grattan, J.	Sykes, D.
Guise, sir W.	Wood, ald.
Harbord, hon. E.	Wyvill, M.
Hurst, R.	TELLER.
Johnson, col.	Hume, J.

The committee again divided on an amendment, to reduce the vote to 12,474*l.* 15*s.* 5*d.* Ayes 27; Noes 90. A third division took place, on an amendment to reduce the vote to 13,474*l.* 15*s.* 5*d.* Ayes 40; Noes 125. The original resolution was then agreed to. Lord Palmerston then moved, "That 650*l.* be granted for the allowance to the deputy judge advocate in North Britain."

Colonel *Davies* objected to this vote, on the ground that there were not above two courts-martial in the course of a year requiring the attention of such an officer.

Lord *Palmerston* said, that the judge advocate had been called upon to attend six courts-martial last year.

Mr. *Bennet* did not think the arduous duty of attending six courts-martial out of 3,000 men, sufficient to justify the payment of so large a sum.

Mr. *O'Grady* thought, that any field officer might discharge the duty of a judge advocate.

Mr. *Hume* wished to know whether if 2000 men were about to be sent to a foreign station, the noble lord would think it necessary to appoint a deputy judge advocate to attend them. If not, he did not see how he could defend the appointment for the same number in Scotland.

Lord *Palmerston* said, it would be beneficial to the service in general if such appointments were made, although in pursuance of that system of economy which had been adopted in the military departments, many foreign deputy judge advocates general had been reduced.

Mr. *Hutchinson* said, that ministers heretofore were put to their shifts; but now they had not a rag to cover them.

Mr. *W. Dundas* contended, that the office was an ancient Scotch office.

Mr. *Ellice* observed, that the reason stated by the hon. gentleman for preserving the office, was precisely the reason why he would wish to abolish it, namely, that it was an old Scotch office.

Mr. *Bennet* considered the office nothing but a Scotch job.

Sir *R. Fergusson* considered the office as altogether unnecessary.

After some further conversation, the committee divided: Ayes 111; Noes 74. majority 37.

On the resolution, "That 12,642*l.* 10*s.* be granted, for defraying the charge of the allowance to the Comptrollers of the accounts of the army,"

Colonel *Davies* objected to the item. He said, that in 1797, when the army extraordinaries amounted to upwards of six millions, the expences of the comptrollers did not amount to more than 4,475*l.* In 1821, when the extraordinaries did not exceed a million, the expences of the Comptrollers amounted to three times the expence in 1797. He would move, that the sum of 8,642*l.* should be substituted in place of 12,642*l.*

The *Chancellor of the Exchequer* said, there was no parity between the duties of army comptrollers in 1797 and the present period. The nature of the duties was almost wholly changed since 1806. In point of fact, their business was increased four-fold. Besides, they were not only comptrollers but auditors.

Mr. *Bernal* supported the amendment.

Mr. *Bankes* thought that an inconsiderable saving ought not be put in competition with the perfect auditing of accounts.

Mr. *Creevey* observed, that as on a former evening he had said he should like to see one of those clerks who had 1,400*l.* a year called to the bar to make good his claim to that sum, so on the present occasion he should like to see one of the comptrollers of army accounts make good his claim to 2,000*l.* a year: and then he should be glad to compare that claim with that of some brave officer who, having purchased his commission in the first instance, had fought his way to honour and promotion, and having at length for his service, been called to the peerage, received only 2,000*l.* a year, as compensation for his services and to support his dignity as a peer. What comparison

could be made between the services of the two individuals?

Sir *R. Fergusson* could not avoid complaining of the conduct of government to general officers of a particular class. By a former regulation, an allowance was made to general officers without regiments. This allowance was now withdrawn, and thereby the public faith had been broken with those officers. At the close of the war it was determined that only a certain number of general officers should be kept up: and those who were reduced had only a claim to the half-pay of that rank which they had held in the army before their promotion as general officers. This, he conceived, was a great injustice to very many meritorious general officers, some of whom had spent 30 years in the service. Many general officers, who, before the termination of the war, and before their promotion, might have made a considerable sum by the sale of their commissions, were now living upon their half pay as majors. This he considered as not just treatment to so deserving a class of men. Major-generals were deprived of all pay, except the half-pay which they had before they had been promoted.

Mr. *Huskisson* said, that if the system of the gentlemen opposite were acted upon, instead of producing regularity and uniformity it would produce the utmost confusion. He was confident that by adopting the wild theories laid down, the whole affairs of the country would be thrown into disorder.

The *Chancellor of the Exchequer* said, he wished it was in the power of the government to reward military officers to a greater extent: but nothing could be more unjust than to charge government with illiberality.

The committee divided: For the amendment 45. For the resolution, 105. After which, the chairman reported progress and asked leave to sit again.

SMUGGLING PREVENTION ACTS.] Mr. Lushington moved, that the House should resolve itself into a committee on the Smuggling Prevention acts.

Mr. *Bernal* deprecated the continuance of laws which were attended with such fatal consequence to the peace of the country. Skirmishes and battles were stated to have taken place between the people and the troops, which had been attended with the loss of lives. He hoped that the House would, if not repeal the present Excise laws, at least endeavour to prevent any more bills from being sanctioned which were to support such a system.

Mr. *Hobhouse* said, that the whole of the coast of Sussex was in a state of irritation and alarm, which had been aggravated by a recent melancholy occurrence. A fisherman had been, as was well known, killed under very suspicious circumstances; two juries had declared that the seaman of the preventive service who killed him was guilty of wilful murder. The judge had thought fit to recommend the man to mercy, on which recommendation the government had acted. The alarm was now such that all the fishermen at Hastings had drawn up their boats, and the whole population were in fear of the recurrence of these dreadful atrocities. Within the last eighteen months, some dozen of persons had been put to death on that coast. It could never be maintained that these murders should be committed (for some of them undoubtedly were murders) to prevent gin or lace from being now and then landed.

The *Chancellor of the Exchequer* said, that a judge who conceived that a prisoner was innocent of a crime of which he was found guilty by the prejudices of a jury, and yet did not recommend him to mercy, would be unworthy of his station. To a recommendation in such a case, the government could not do otherwise than attend. With regard to the feelings on the coast, they unhappily shewed that a great portion of the population was disposed to smuggling, and that, that disposition could only be repressed by moderate, yet efficacious measures. Conflicts similar to those now complained of had formerly taken place, when the state of the revenue was very different from what it now was.

Mr. *R. Gordon* deprecated the existing state of the revenue laws, and assured the House that the coast of Dorsetshire and Devonshire were in a state quite as disturbed as the coast of Sussex.

Sir *G. Cockburn* said, there were no grounds for the alarm which prevailed on the coast. He lamented what had recently occurred as much as any man. The person who was accused of murder on going into a boat to search, had been in the first instance thrown out of it. This led to that struggle which had occurred, and which grew out of the resistance offered

to him in the discharge of his duty. He (sir G. C.) had desired to be informed if it were not possible to dispense with the searching of fishing boats? In answer to this he had received from the officer on that station a list of 52 fishing boats that were engaged in smuggling. It was common for smugglers, when prevented from landing, to sink near the shore tin cases, filled with lace, and hermetically sealed so as to prevent the accession of salt-water; and those cases were afterwards taken up at leisure by the nets or grapples of the fishermen. Every means had been tried to render the examination as little troublesome to the fishermen as possible; but nothing would satisfy them short of the liberty of smuggling.

Mr. *Bennet* said, he had no doubt the men on the preventive service behaved with moderation. It was the system he complained of. If, instead of prohibiting those goods which formed the objects of smuggling, the principles of free trade were admitted, and moderate duties imposed, this evil would be put an end to. As to Ireland, no place in the world, with the exception of La Vendée during the revolution, had been treated as the North of Ireland had been under the distillation laws. He could not consent to extend to that country the other detestable securities against smuggling with which this country was cursed.

Mr. *F. Palmer* said, that if, after all the expence of Martello towers and preventive service, smuggling was not repressed, it must be done by other means than violence.

Mr. *Robinson* agreed as to the expediency of taking away many of the restrictions on the importation of French goods, which now existed.

The House went into the committee.

HOUSE OF LORDS.

Monday, April 16.

Petitions in favour of the Roman Catholic Claims.] After numerous petitions had been presented for and against the Roman Catholic Disability Removal bill,

Earl *Grey* rose to present two petitions. The first was from a large body of persons in this country, professing the Roman Catholic religion. The petition had been drawn up before the bill now before their lordships had passed through the other House, and it prayed for general relief from the disabilities under which the Roman Catholics laboured. The petitioners felt grateful for the acts passed for their relief during the benevolent reign of the late king; but they complained that they still laboured under great disadvantages, and that they were marked out as persons dangerous and unworthy of public trust. In answer to these unmerited imputations, they appeal to those persons who have had an opportunity of observing their conduct in a political as well as a moral point of view, and call upon them to declare whether they deserve the character thus attempted to be fixed on them; and whether, on the contrary, they have not always been distinguished for loyalty and attachment, and submission to the laws. The petitioners have been accused of giving to a foreign potentate the submission which is due from them to the king of this country; but this they deny, and state that they fully recognise the sovereign power of his majesty. The second petition he had to present was signed by six Roman Catholic peers—the duke of Norfolk, the earl of Shrewsbury, lord Arundel, lord Petre, lord Clifford, and lord Stourton. These petitioners stated, that they had read the bill which had passed through the other House of Parliament, and had been read a first time by their lordships, and that it received their full concurrence. The petitioners had hitherto been prevented from sitting in their lordships' House, in consequence of the form of the oath which they were required to take as a necessary preliminary to the enjoyment of that privilege. He felt great satisfaction in presenting these petitions, not only on account of the characters of the petitioners, but also from the feeling which he entertained of the justice of their claims, and of the temper and moderation with which they were advanced. He felt himself bound to answer the appeal which had been made by the petitioners, and to state, from the result of his own personal observation, that there did not exist men more distinguished for the exemplary discharge of their public and private duties through all the various walks of life. This would be acknowledged even by those who felt themselves under the painful necessity of opposing their claims. He remembered on a former occasion to have heard the noble earl opposite (Liverpool) say, that, for distinguished loy-

alty and integrity, he knew of no class of men more entitled to approbation than the Roman Catholics. It was admitted also, that the Roman Catholic religion was no longer rendered dangerous by those tenets which formerly constituted a part of it, and which, if they existed at present, would be a reasonable ground for allowing the professors of that religion to continue in their present situation. The opposition of the noble earl, however, rested upon different grounds, which would doubtless be made evident during the discussion of that evening. He should refrain from taking any part in the approaching discussion, unless called upon so to do by some unforeseen circumstances. His opinions upon this subject were well known, and it would only be irksome to their lordships to hear them repeated. Any exertions of his were the more unnecessary, as there were those present by whom that just cause would be more effectually advocated. No one could surpass him in zeal for the success of the measure; but he would content himself with a general reference to the grounds on which he had given it his support on former occasions; and those grounds were, that the disqualifications which were imposed on the Roman Catholics could not be justified on the grounds either of policy or justice. Circumstances were more favourable for the contemplated measure than they ever had been. The head of the Roman Catholic Church, whose power might once have been deemed formidable, could no longer be an object of apprehension. It could not now be alleged that the pope was under the influence and control of the power which had been the terror of Europe. The present bill had not met with that opposition on the part of the public which former bills of a similar nature had experienced. The present bill had passed through one House of Parliament without any expression of public discontent. From this it might be argued, that, if this great measure of justice and mercy was now to receive the sanction of the House, it was probable that, while it relieved the Catholic, it would not be followed by any dissatisfaction from any part of his majesty's subjects. We were still at peace, but surrounded by warnings upon all sides. How long we could keep out of that war, which seemed to threaten Europe, it was impossible to foresee. But the storm being heard at a distance, every principle of policy required that we should prepare against its approach, and provide ourselves with the means of resisting its fury. It was from divisions at home that the greatest danger was to be apprehended; and it should be remembered, that those for whose relief the present measure was introduced, had freely offered their blood in the defence of their country, even under all the disadvantages of exclusion, and had contributed by their bravery to the peace which she now enjoyed. With those feelings on his mind—with a full conviction, that every motive of justice and policy, of Christian charity and true religion, and he would add, of national gratitude, was in their favour, he could not avoid anxiously entreating the attention of the House to these petitions.

Ordered to lie on the table.

ROMAN CATHOLIC DISABILITY REMOVAL BILL.] The order of the day being read for the second reading of this bill,

The Earl of *Donoughmore* rose. He said, it was now a long period since the Roman Catholics had been the objects of intolerance and cruelty. In the reign of his late majesty, however, a better prospect was presented to them. By the British statute of 1778, and the statute passed by the Irish parliament about the same time, the first breach was made in the system of proscription which had so long been pursued towards the Roman Catholics. This breach was still further widened by the British statute of 1791, which gave to the Roman Catholics of this country, all the privileges which they were at present capable of possessing. A spirit of liberality and just feeling had been evinced by a large portion of the public towards their Roman Catholic fellow-subjects. The progress of this tolerant feeling had been particularly rapid among the higher classes. The Irish parliament of 1782, granted many more concessions to the Roman Catholics, which were still further extended by the same parliament in 1792. But, by the Irish statute of 1793, by which the elective franchise and other important privileges were restored to the Roman Catholics of Ireland, they were placed in a situation of superiority to the members of the same religion in England. The preference which the Irish Roman Catholic thus possessed could not be justified on any principle of reason or expediency.

In this anomalous situation the Catholic body had remained from that time to the present moment, except in one instance, in which a friend of his in the naval department in the other House, under the auspices of a noble viscount, was the means of passing an act through parliament, for extending to the Catholics, in the military and naval services, the advantages to which they were entitled by the Irish statute of 1793, but which they had before but very imperfectly enjoyed. Since 1793, the spirit of concession seemed to be dead. The claims of the Catholics had scarcely been able to obtain the consideration of parliament. Though the subject had been brought under the notice of parliament, both in this country and in Ireland, over and over again, the Catholics had still been suffered to remain in their present degraded state. Except in two solitary instances, in 1812 and 1813, both of which occurred in the other House of Parliament, the Catholics never succeeded in getting their grievances considered in a parliamentary manner. Under these circumstances it was, that the present bill of Justice and Mercy, as he had called it on a former occasion, had come up to their lordships from the other House. The bill had scarcely passed the threshold of their lordships' House, when it was met by the denunciation (he might use the term) of the noble earl opposite, and the learned lord on the woolsack. This had been the proceeding of the two noble lords, without hearing a single observation either for or against the bill. The two noble lords had decided, as far as two individuals could decide, that the bill should not pass. He trusted the noble lords would give an explanation of so very unusual a line of conduct. It was not decorous thus to treat a bill which had received the sanction of the other House of Parliament. It was customary always to read a bill the first time *pro forma*, and to reserve all discussion till the second reading. Would not these noble lords condescend to give more consideration to a bill which had not passed through the other House in an unguarded manner, but had gone through the fiery ordeal of five weeks debate? Scarcely a paragraph or clause had passed without a division.

Many interests were connected with this important measure; and yet, in defiance of all the circumstances attending it coming before this House, the two noble lords had at once decided against it, and he knew that too often those noble lords decided for the majority of their lordships. The noble earl, however, was very candid and open in his opposition on the occasion to which he alluded. The noble earl divided the bill into two parts; but it was only for the purpose of expressing his disapprobation of one part as well as the other. The first part of the bill provided for the restoration of certain privileges to the Catholics, and the second part laid down regulations for the intercourse to be maintained between the members of the Catholic religion in this country and the See of Rome. It was impossible that any person could object to the first part of this bill, who was not perfectly satisfied with the present situation in which the Roman Catholics stood, who did not wish that no amelioration of their condition should take place, and who did not desire that no inquiry should be instituted on the subject. If the noble earl entertained an unfavourable opinion of the merits and trustworthiness of the Roman Catholics, why did he reject the necessary securities for the good conduct of these dangerous subjects, which were offered by the second part of the bill? He could not conceive on what principle the noble earl founded his opposition as well to one part of the bill as to the other.

The authority of the two noble lords was, doubtless, very great, and therefore presented a considerable difficulty for him to surmount. He, however, had an authority as high as that of the noble lords in favour of the bill—he meant the decision of the other House of Parliament. He would, therefore, only ask as a boon, that their lordships would consider, in the usual parliamentary manner, the present bill of relief. He desired not to pledge their lordships to the whole, or to any part of the bill; but he wished to have a cool and temperate consideration of the measure: that was all he asked for, and nothing, he conceived, could be more just and reasonable. Who were those persons whose case the noble lords seemed to treat so lightly, as if they had already decided in their own minds that it did not deserve any consideration at all? They composed one-fourth part of the whole population of the United Kingdom, and four-fifths of the population of that part of the empire to which he had the honour

of belonging. Four millions of loyal Irishmen—a body no less respectable for their honourable and conscientious feelings, than for their number—now demanded justice at their lordships' bar. They petitioned their lordships to be heard; they called for an examination of their claims, and he hoped they would not be sent away from their lordships' bar, with their prayer rejected, and their application treated with contempt and insult. Had their lordships' never heard of this body before? Yes, they had: they had already granted them extensive concessions. Had not their lordships' taken the trouble of inquiring how far the Roman Catholics were worthy of the concessions which they formerly required? Undoubtedly their lordships had done as as they ought to do: they conferred no boon on the Roman Catholics, until they had the fullest proof that they were worthy of it. What course did they adopt to procure that sufficing proof? They had resorted to the mode by which trust-worthiness was proved in courts of justice, and in the different transactions between man and man; namely, by the exaction of an oath. Under the sanction of an oath, his majesty's Roman Catholic subjects had again and again been intrusted with important privileges. They had placed themselves on a level with all the other subjects of this country; and there was no imputation that malice or ill-fortune had cast on them, which they had not contradicted, and wiped away by the solemnity of an oath. They had not done this by one oath merely, but by a succession of oaths, from the year 1778 to 1793. They had repelled every thing that had been advanced against them as faithful members of the state; they had cheerfully taken all those oaths; and, therefore, he contended, they had proved themselves completely trust-worthy. He knew not what was now left for them to do. He wished any noble peer would stand up in his place, and declare, that the oaths of the Roman Catholics were not as much to be depended on as those of any other class of men in the community; or that, as far as their loyalty was concerned, the Catholics were not trust-worthy; and if that body did not prove the assumption to be unfounded, then he would say that the Catholic did not deserve any farther extension of privileges. When the act of 1793 passed, though that event took place in the sister country, yet he conceived that the measure had the full approbation of his majesty's ministers. That act gave the Irish Roman Catholic the liberty of exercising the elective franchise.

Now, when ministers conceived that this portion of his majesty's subjects were sufficiently trust-worthy to have the elective franchise committed to their hands, it was, he conceived, a full and complete admission that those ministers considered the Roman Catholics to be perfectly worthy of possessing political power. They had been in possession of the elective franchise for twenty-eight years, and they had exercised it with the utmost propriety. Perhaps, at that time, ministers were justified in using this language:—"We have given the Catholic the elective franchise—that is a great deal—let us pause for a while, and see what his conduct will be. Let us rest a little on our oars, and, if the Catholic does not abuse the privilege now granted to him, let us open to him more widely the door of the Constitution." He knew he should be told that this was a Protestant Constitution. He would say, equally with the most ardent admirer of the constitution, that it was so; and God forbid that he should ever be accessory to any act that would deprive the country of that constitution! He loved his own Protestant Constitution, and he revered his own Protestant establishment; and it was not for the purpose of weakening it that he wished this bill to pass. On the contrary, he was anxious to promote a unanimous accordance, in feeling, sentiment, and principle, amongst all classes of his majesty's subjects. He wished to remove every cause of jealousy and heart-burning; he was desirous not to give one body of men an opportunity to triumph over another; he was anxious to leave no ground for invidious and painful comparison. These were his objects in calling on their lordships to give a second reading to the bill.

He had told their lordships who the principle parties were whom it was intended to benefit by the provisions of this bill; and he would now remind them who the other party was, whose power appeared to be so very formidable in the eyes of some of their lordships. He He alluded to the pope—that potentate, with whom, it seemed, no intercourse, consistently with the safety of the country, could take place. But an intercourse had taken place for a century past, and

no real injury — nay, not even an argumentative injury had resulted to the state in consequence. And yet, when they were about to open the door of the constitution to the Roman Catholic, they were called on at the same moment to affront him and his religion—to say to him, "Henceforth, we will not allow you to correspond with the pope, unless that correspondence is submitted to a tribunal of Protestants authorized to examine it by the state."—For his own part, he did not think the pope was a personage calculated to inspire so much dread. The conduct of that potentate, he conceived, was not of such a nature as to deserve harsh treatment at their lordships' hands. There was nothing which lay in his power, the performance of which tended towards conciliation, that he had neglected. He had gone every length to soothe the feelings of those who feared the influence of his power. He had met more than half way every proposition that seemed calculated to assuage the fears of their lordships, or of the other House of Parliament.

He would now read an extract from a document, not a very old but a very important one, for the purpose of pointing out the alteration that had been made in the oath of the Roman Catholic clergy. The argument which was founded on that oath, both in the Irish parliament and in this, was now entirely done away by this voluntary act of his holiness; for he understood that no application had been made to him for that purpose. The alteration was made of his own free will, to prove that he was not the person whom they ought to fear and distrust. The following were, then, the important alterations made by the college of the Propaganda Fide at Rome, in the oath appointed to be taken by the vicars Apostolic in England, and the Irish Roman Catholic bishops, according to which the following words, which have caused so much misrepresentation at all times, were omitted, viz.:— "Hæreticos, schismaticos, et rebelles eidem Domino nostro vel successoribus prædictis pro posse persequar et impugnabo." And with the addition of the following words at the conclusion of the oath:—"Hæc omnia et singula eo inviolabilius observabo, quo certior sum, nihil in iis contineri, quod juramento fidelitatis meæ erga serenissimum N. Regem,' ejusque ad thronum successores, debite adversari possit."

Now, if their lordships wanted to frame an oath for the Roman Catholic clergy, clear, plain, and comprehensive, could they by possibility use words more strong and forcible for the purpose, than the pope, by his voluntary act, had furnished? He would now refer to another document, not so new, having been promulgated in 1744, but which went to show what the principle of the Catholic Church had been at all times. It was the preamble to the order of reference made to the bishops and superiors of the Catholic Church, when called upon to make a report of the state of their respective dioceses or districts, extracted from an order of the Propaganda, printed in 1744: —" Animadvertendum est has questiones a sacra congregatione ea tantum de causa fieri, ut regionum status spiritualis et religionis ipsi innotescat—nullo modo autem temporalis, et politicus—quippe res ejusmodi ad eam minime pertinent, nec eas scire desiderat—neque vult omnino missionarios suos eis implicari—quamobrem qui responsurus est, videat, ne respondeat ad aliud, quam ad ea, quæ spirituale divinumque ministerium respiciant." Such was the character of that potentate whom their lordships had been taught to view with the most jealous apprehension, as an individual not confining himself to matters of a spiritual nature, but, from the nature of his situation, and the habits of his life, constantly engaging in conspiracies against foreign states. This was the person against whom the bill introduced to the other House of Parliament, to prevent the intercourse of Roman Catholics with the see of Rome, was directed. He was not the person he had been described—his was not a power that ought to produce fear; on the contrary, he was worthy of the confidence of every state in Europe, whether it was Catholic or not Catholic. The sentiments of the pope were stated plainly and decisively, and from them it appeared he sought only to protect and preserve that religion of which he was the only visible head on earth.

He had mentioned to their lordships before, that this bill was not hurried through the other House of Parliament as a matter that did not demand serious consideration. He believed no measure ever passed through parliament that was more completely considered in all its parts. And what gave greater weight to the manner in which it passed through

the other House was, that it was not examined in the heat of passion, but was considered with the utmost moderation and temperance. It was now necessary that he should state what this bill contained. It introduced an enabling system, by which the Roman Catholics would be brought fully within the pale of our Protestant constitution. But it would not be less a Protestant constitution, when Roman Catholics were seated as members of that or of the other House of Parliament. This general capacity to hold situations in the state, this eligibility to sit as members of parliament, was not given to the Catholic for the first time by this bill. It only restored him to that of which he had been deprived: it removed the penalty by which the Catholic had been prevented from exercising those privileges, which were his birth-right, as much as they were the birth-right of any other subject of the king. Their lordships were not granting new privileges to the Catholic body, but restoring to them those constitutional rights of which they had been formerly deprived—a deprivation which, perhaps at the moment, might have been necessary for the safety of the state, but the continuance of which, no man could lay his hand upon his heart and declare to be called for by the circumstances of the present day. The Roman Catholics had been tried for twenty-eight years, and during that long period they had not been found wanting in their duty to the constitution.

There were, in the bill now before their lordships, certain exceptions with respect to particular offices, of which he approved. The perpetual succession of the Crown in a Protestant line was provided for, and the permanence of the church establishment in all its power, dignity, and authority, was equally preserved under this measure. Of what else, he would ask, did the Protestant establishment consist? The king might appoint his own ministers at will; and, he demanded, would not their Protestant monarch be as likely to defend himself from his Catholic subjects, if any attempt were made to press them into his councils from improper motives, as any other Protestant in the country? The king, having the choice of his ministers, would, as a matter of course, appoint men of his own religion. The privy council was open to Catholics under this bill, as he thought it ought to be. The two Houses of Parliament were also open to them, and, above all things they were eligible to a seat on the bench. This was most important, because he could not conceive a circumstance more galling, or more likely to create discontent, than to admit a man within the bar—to allow him the rank of king's counsel—and then to turn round and tell him, "so far shalt thou go, and no farther." And why? "Because thou art a suspected man." Was not this the way to render him disaffected? When a man was thus insulted—when his feelings were thus deeply wounded—he never could forget it. He must feel his degradation every morning when he arose, and every night when he went to bed.

He agreed in the propriety of all the exceptions contained in the bill, comprising the situation of the two highest law officers in the Empire, and of several other officers. After these exceptions had been made, the door of the constitution was still widely opened to the Roman Catholics. The bill effected two objects of extreme importance. It took away the necessity of making that declaration which branded a man for professing that religion, which was professed by the greater portion of Europe. The re-modelling the oath of supremacy he approved of as one of the greatest beauties of the bill. This was a very great object, because it shewed, that that oath, which was the great oath of fidelity to the state, could be taken by the Roman Catholics as well as by any other subject, without violating his religious feelings.

Having shown that the Roman Catholics were, in their present situation, worthy of possessing all they asked for; and conceiving that, without any additional oath, they were sufficiently trust-worthy, under the test they had already taken, to be admitted into this Protestant constitution—this being his decided opinion, he could not think that any part of the second bill was at all necessary. He agreed in the provisions of the first bill, because he looked upon the Roman Catholic to be, in no respect whatever, a suspicious subject. He had proved himself to be any thing but a suspicious subject. Having been for twenty-eight years admitted to the exercise of the elective franchise, they ought not now to impose on him what was called an additional security, but which, in fact, was no security. He should, therefore, have no objection, if the whole

of the provisions of the second bill were entirely expunged. It afforded him no facility in agreeing to the first measure, when he found it was accompanied by such a measure as the second. So far from its improving the original measure, it appeared, in his view of the subject, to detract so very much from its merits, that, if he were a Roman Catholic, he would say, "Take back your securities, I will not have them, and with them also take back the proffered boon." He said this, because he felt that they wanted no additional securities; and they ought not to insult individuals whom they were about to restore to political privileges. Did they not grossly insult the Roman Catholics by demanding those securities? Did they not say, speaking to the Roman Catholic clergy, "It is on your account we have kept the laity so long out of the possession of those good things which other subjects have enjoyed?" Did they not declare to the laity, "We have taken from you all your rights and privileges, because you have a disaffected body of clergy?" He knew, and he could state, from his own personal observation, that the very reverse of this was the truth, with respect to the Roman Catholic clergy in that part of the united kingdom from which he came; and, as he believed the reflection cast on the character of that body was a most unjust one, he should be ashamed if he could for a moment amuse their lordships with a notion that any shackles ought to be fastened on the Roman Catholic clergy as the price of concessions that were to be made to the laity. He had too great a respect for the judgment of those honourable persons who drew up the bill, and of those noble lords who would vote for the securities to believe that they were introduced for their satisfaction. The honourable person who brought the bill into the other House, and some noble lords who would probably speak in favour of the securities in that House, could not have a doubt on the fact, that a more respectable body of men than the Roman Catholic clergy did not exist. They well knew that there was no intercourse which those individuals could possibly have with the sovereign pontiff, that could be injurious to a Protestant state. They must be assured, that those securities were not wanted at all; and, if he might use the expression, they were only thrown out as a tub to the whale—as a screen between those noble lords and honourable persons to whom he had alluded, and the blind intolerance of certain individuals. A great deal ought to be sacrificed to insure the success of a measure for the relief of the Roman Catholics; but it was too much to sacrifice the character of a respectable body of men, exercising clerical functions, to satisfy the idle clamour of the ignorant and the intolerant.

It would be perhaps more proper to postpone what he was now about to mention to their lordships until the bill got into a committee; and if he had any sort of intimation from the noble earl opposite (the earl of Liverpool) or from the learned lord on the woolsack, that the House was likely to go into a committee on the bill, he would avoid troubling their lordships with a detail of certain alterations which he meant to propose, and which it was necessary he should state in his own defence, because he was not an advocate for the bill in the shape in which it came from the other House of Parliament. Indeed, he would be unworthy of a seat in that House, if, after what he had stated, he could attempt to advocate a bill so constructed. Many persons, and amongst them some noble lords in that House, who were as much attached to a Protestant constitution as he was, and who contemplated no danger from throwing it open to the Roman Catholics, were of opinion, that modifications ought to take place in this bill, which would do away many of those points that were most obnoxious to the feelings of his noble friends, to his own feelings, and to the feelings of the Roman Catholics. This, they conceived, might be done, without removing the real and substantial securities contained in the bill. In the first place this bill began with imposing on the clergy a compulsory oath—an oath to be enforced under the penalty of a misdemeanor. Now, he did not like the principle of compulsory oaths. There was a compulsory oath, and also imposed on the Catholic clergy, at the commencement of the French revolution, which they were obliged to take under the pain of deportation. But, thank God, that was not the act of a regular established government. The present oath was not compulsory on those persons who were to derive benefit from the bill, but on the clergy, whose situation would not be ameliorated by it. This oath must be taken by every Roman Catholic clergy-

man, though he had been in orders for half a century, under the penalty of a misdemeanor. There was nothing in the oath which any man need be unwilling to swear; but he objected to it in principle, as a compulsory oath. He also objected to it for another reason, as being unnecessary to carry into effect the machinery of the measure, which was completely set in motion by the other part of the bill. They ought assuredly to believe a man when he took this oath; but by the provisions of the bill, the person who had taken the oath would not be believed, even after he had sworn, since he was referred to another tribunal. It was, therefore, proposed to omit this oath altogether.

There was another part of the bill which ought to be attended to; namely, that clause which provided, that a commission should be created in both countries, for the purpose of receiving and considering the rescripts from the see of Rome. Instead of the two commissions which the bill proposed to appoint for the discharge of the duties therein confided to them, in England and in Ireland respectively, it would be proposed that there should be but one commission only to transact the business for both countries, in this the seat of the government. That the lay members of this commission should not be appointed at the fortuitous election of the ministers of the Crown; but that they should consist permanently of certain great officers of the Crown, to be particularly named in the bill, and of no others. He was quite sure that no documents would be transmitted to the bishops which they would be unwilling to submit to the board. Indeed, he thought that, in a very short time, the bishops would forget there was any board at all; and the office would become as complete a sinecure as any in the state. The government of Ireland was exceedingly well represented in the other House, by the right hon. gentleman who filled the office of chief secretary; and he was convinced, in performing the duties of his office, he would act without partiality to one party or another. But they had known gentlemen of a different temper and feeling in the office; and as, in that case, the board might become an office of patronage and emolument, or a field for the display of party feeling, he wished it to be established in this country. And to carry these intentions into execution, he was authorised to declare, in the name of those noble lords before alluded to, that the following was the provision which it was their intention to substitute in the place of those provisions which now stood in this part of the bill, viz.—"That it shall and may be lawful for his majesty, his heirs, and successors, by commission under the great seal of Great Britain, to nominate and appoint commissioners for executing the several powers and duties hereinafter appointed to be by them exercised, and that the persons to be nominated and appointed shall be the persons, being Protestants, who shall, for the time being, hold the following offices; viz. those of the lord president of the council, his majesty's principal secretaries of state, the first commissioner of his majesty's treasury, the chief secretary of the lord lieutenant, lord deputy, or other chief governor or governors of Ireland; and that there shall be joined to them in the said commission such persons in holy orders professing the Roman Catholic religion and exercising episcopal duties or functions in the Roman Catholic church within Great Britain or Ireland, as his majesty, his heirs, and successors, shall be pleased to nominate and appoint—one at the least of such persons being a person exercising such duties or functions in Great Britain, and two at the least being persons exercising the same in Ireland."

There was another part of the bill which struck him as being defective. It was, he thought, a sufficient punishment for the person whom his majesty's government thought unworthy of holding the situation of a bishop, or a dean, to be rejected, when he was proposed for either of those offices. But, by the provisions of the bill, he was not only rejected, but insulted, since his name was placed on the rolls of the court of chancery, where it would remain, from generation to generation, accompanied by the humiliating comment, that government did not think him trustworthy. Instead, therefore, of the provision directing that the name of the person disapproved of as a bishop or a dean should be enrolled or posted in his majesty's court of chancery, it was intended to be provided, that the name should be only entered on the minutes of the board.—There was only one other point which he wished to have altered. By the bill, as it now stood, all documents sent from the see of Rome were to be submitted to the board, with the exception of those

that related to the confession of any individual or individuals. In those cases, it was enacted, that when any person received such a document, on his taking a certain oath, namely, that it related solely to spiritual matters, he would be authorised to transmit it, not to the board at large, but to the senior ecclesiastical commissioner. This he conceived to be an unwarrantable attack on the Roman-Catholic clergyman, since it implied, that, in the performance of his duty, it was possible that he would, if a severe provision were not put in force, conceal the nature of the communication he had received. There was no person to whom the Catholic clergyman could communicate what he learned in confession, except to the head of his own church, when it was necessary to ask a conscientious question; and, therefore, the operation of this clause would be to force the Roman Catholic clergyman to do that which was directly contrary to his duty.—On the subject of the confessional, it was intended to be provided that, instead of the reference of the case, as now directed by the bill, to the senior ecclesiastical commissioner of the board, the oath of the person, that the document which he had received from Rome referred exclusively to the spiritual concerns of some individual, should be final and conclusive; and the person so making oath should be discharged from all penalty whatsoever.

He had now stated what alterations would be proposed in the Bill, if it should go to a committee. He had thought it right to make this statement, for the sake of the measure itself; because he wished their lordships to know distinctly what he was desirous of having carried into effect. The Catholic clergy asked for nothing. They only requested to exercise their functions as they did at present. They desired no stipend from government; they called for no extension of privilege. All they wished for was, to be allowed to perform their duties as heretofore. Their lordships were not entering into a treaty with their Catholic fellow-subjects. It was for their lordships to decide, and it was for them to receive that decision with deference and respect. The noble earl, in conclusion, repeated, in the strongest manner, his objections to any thing like a negative, or veto, upon the appointment of the bishops. Though he was persuaded that the government would never be disturbed by the recommendation of an improper person as a Roman Catholic bishop, and that, on the other hand, the ministers would never go out of their way to interrupt the success of any such nomination, for the indulgence of party feeling, or any other worse motive, he still objected to any such privilege being conceded to the government, still, because it was his decided conviction, that such precaution was altogether unnecessary, and that it was justly considered as a heavy and unmerited infliction upon them by the Roman Catholic clergy. He thanked their lordships for their patient attention to him. He had endeavoured to trace the origin and merits of the bill as far as it had hitherto gone. In advocating the Catholic interests, he trusted that he had said nothing in the least injurious to the feelings of any man. He had endeavoured to adopt the tone of forbearance and moderation used in passing the bill through the other House. Perhaps no man had ever been so anxious to do his duty fully and conscientiously. He would deeply lament it, if he had, in the course of that duty, wounded the feelings of any party. He would now move, "That the bill be now read a second time."

The Earl of *Mansfield* said, that in addition to the embarrassment he must always feel in addressing their lordships, he laboured in the present instance under peculiar difficulty from the conviction that he could offer nothing which had not been more ably stated by others on former occasions, and from an apprehension that, by an injudicious selection of arguments, he might injure the cause he was anxious to serve. He had no hope of making any deep impression on the House; but he felt it to be his duty to express, as concisely as the nature of the subject would admit, his sentiments, which time and reflection, and even the conduct of those whom he most respected had not been able to alter; but which on the contrary all that he had seen, and a long residence in Catholic countries, had but tended to confirm. The present bill consisted of two parts: the first part went to admit Roman Catholics to almost all offices in the state; the second, to regulate their intercourse with the see of Rome. To the latter, many Catholics strongly objected; but it was to the former part of the bill that his objections would be directed; and he would begin by moving:—"That the bill should be read a second time this day six months." This bill ap-

peared to give up what was necessary to be retained for the security of the Protestant church, without satisfying the Catholics. It alarmed those who were attached to the established church, while it set no limits to the demands of the Catholics. For if any one supposed that the Catholics would ever be satisfied without having their laity admitted to all offices, without exception or restriction, and without obtaining for their clergy the restoration of all benefices and property of the church, and a recognition (in principle at least) of the right of that family to reign in this country, which had been set aside by the Bill of Rights, he was much deceived. Inordinate and reprehensible as his presumption might be thought, he would venture to say, that in his judgment those who expected the Catholics would be content with less than this, shewed little foresight, little knowledge of mankind in general, and of the Roman Catholics in particular. He conceived that some might contemplate such an arrangement when they supported the present measure, and be of opinion, that as the Presbyterian church was suffered to be the established church of Scotland, in the same way the Catholic church might be allowed to become the established church of Ireland. Much as he differed from those who were of this way of thinking, he was of opinion that even this would be less dangerous than the measure now before the House, which graduated them towards the object of their wishes, and gave them political power to enable them to proceed further. By the English constitution, Roman Catholics were excluded from all political power, and it appeared to him that to alter it in this respect would be to do away with its very essence. Was it wrong or right to exclude the Catholics from political power? The advocates for the bill might say that it was originally right, but that the reasons which justified their exclusion then were no longer in existence. He could wish to examine what the reasons were which formerly justified their exclusion, and what were the circumstances which had caused these to exist no longer. Let their lordships for a moment examine what ground there was for this opinion. Was it founded on some alteration in the character of the Roman Catholics, or on some important change in the leading features of their religion? The Catholics were daily acquiring more consideration and power, and it surely was not therefore to be concluded that the laws ought to be repealed. Were their lordships prepared to say to the Catholics—"When you were inconsiderable in numbers and property, we dreaded your influence, and we then gave no encouragement to your religion because we considered it contrary to liberty and freedom of conscience; but we afterwards found out that an exaggerated sense of danger had induced us to impose heavy restraints upon you. We then relaxed our measures of precaution and we repealed all the severe laws under the operation of which you laboured. In consequence of this conduct of ours, your population and your wealth have rapidly increased; and now that you have numbers and power sufficient to do us no harm, we rely with confidence on your moderation. Come then, and share with us all the authority, all the advantages, we possess. Some little reservation must be made for the present, merely to blind unthinking Protestants; but very soon we will yield every thing and share with you the whole." Such was the effect of the principal argument in support of the bill, and nothing could be more inconsistent. It was also contended that the influence of the pope was no longer an object of apprehension. He was convinced, however, that the church of Rome was so constituted, that to guard against it ought always to be an object of solicitude with this government. Its practice might vary somewhat, according to circumstances, or according to the character of a particular pope; but its principles and its views were still the same. The manner in which the Roman Catholic church accommodated itself to circumstances was well known. At a time when men were not disposed to become proselytes, it adopted Pagan ceremonies, and incorporated them in the body of its rites. The Pagan name was changed, but the thing remained the same as before. Points held to be most material, and which served to distinguish Catholics from Protestants, were given up to gain an object. In one country, with the view of conciliating the people, married priests had been allowed to perform the ceremonies of the church. He was astonished at this indulgence; and upon inquiring into it, learned that it was excused by the pretence that the celibacy of priests in the Catholic church was a

matter of discipline, but not of doctrine. Where authority could not be safely exerted, the church was very accommodating; but where the Romish superstition completely prevailed, as in Spain, Portugal, or the Netherlands, every point was insisted on. In fact, it was plain, that the desire of control remained unchanged in the church of Rome, though the manner in which that control was exercised was changed according to circumstances. He was ready to believe that the present pope would not instigate a massacre of St. Bartholomew; but when had the church of Rome condemned that massacre? He perhaps would not recommend an edict of Nantes; but was that edict ever blamed by the church of Rome? The present pope, he would admit, might grant concessions; but zealots might rise to the head of the church, and a future pope reverse what the present did. The pope was regarded as omnipotent, and no arrangement could now be obtained which might not be afterwards subject to reversion. Catholics might at one time be directed to submit to their lawful sovereign, and afterwards be absolved from their allegiance. Another remarkable feature of the Catholic religion was the influence which its priests exercised for the purpose of acquiring property. At the close of life, when consolation was wanted, it was not their practice to breathe peace into the mind, but to create alarm, in order to make peace be purchased. Hence immense sacrifices were made by persons at the hour of death. The facility with which the priests recovered their power, after it had been lost, was exemplified by what had occurred in France. Their lordships were aware that the Roman Catholic church had been completely put down in that country and its property seized during the revolution. Something had been done for the clergy by the late government; but the present king had gone farther and restored church property. The effects of the encouragement given them were soon manifested by the influence they acquired. When the clergy showed themselves, after the restoration of the king, they were treated with the greatest contempt. It was not possible for the priests to walk the streets without being insulted; but, by perseverance and artifice, they gradually gained an ascendancy over minds disposed to superstition. The progress they have made is astonishing. Their zeal has chiefly been exercised in procuring the restoration of national property, and that not merely from the original purchasers, but from third parties into whose hands it had passed. What had passed in France was a fresh proof of the unchangeable character of the Roman Catholic religion, and that character he contended ought to be a just subject of apprehension with a British legislature, and its existence proved the danger of passing this bill. Such was the nature of the Catholic religion, that it mattered not how long an opposing force remained in action upon it; remove the force, and the evil existed as before. Like the story of the jar in an oriental tale,—when the cover was taken off, a column of smoke issued forth, and an imprisoned giant gradually arose, until his hand reached the skies; and, as the Catholic religion would do, this monster was no sooner set free from restraint, than he inflicted pain and misery on all around him. According to the bill now under consideration, a Catholic might command the fleet or the army. He might be a member of the House of Commons, or he might sit in their lordships House; he might be one of his majesty's privy council, or even a cabinet minister. Their lordships would then consider what serious consequences might arise from such a measure as this. By the interpretation of the constitution the king could do no wrong; and that principle certainly seemed to require that no Catholic should be placed in a situation in which his influence might be exerted against the liberties or the religion of the country. Should this bill pass, the king must still by law be a Protestant; but he might have Catholic advisers. If the system was to be abandoned by which the country had hitherto been governed, would it not be better to allow the king to be a Catholic, and require his advisers to be Protestants? It appeared to him that those who supported the present bill wished to abandon the greater security of the constitution and to retain the less. Might not the advisers of the Crown, if Catholics, secretly undermine the established church? Catholics were, it was true, excluded from educating youth in the university; but he saw no provision in the bill which excluded them from being tutors of the heir-apparent or the heir presumptive of the Crown. If then, the advisers of the Crown might be Catholics, and if the heir to the throne

might be educated by Catholics, he would put it to their lordships to say upon what just ground the succession to the throne had been altered. The noble lord anticipated serious consequences in Ireland from this measure. The Roman Catholic could not be lord lieutenant of Ireland, but he might be chief secretary. It was the business of the chief secretary for Ireland to bring most subjects under the consideration of the lord lieutenant. If the Catholic interest continued to increase in Ireland (as he had no doubt it would do), he did not see why they were not to expect that the chief secretary for Ireland would be influenced by the wishes of the Catholics; and the consequence of this would be, that we could have no assurance that measures would not be adopted favourable to them and unfavourable to the Protestants, but the expectation that the lord lieutenant would set himself firmly against every thing that came from his confidential adviser.—He could not but lament the difference of opinion which existed on this important subject in his majesty's councils. Some men might praise that difference of opinion; he, on the contrary, felt that on great questions of state a unity of sentiment gave vigour to public councils, whilst the want of it paralysed the energies of those who presided over them. But it was said, that the influence of Catholics would not be considerable. He contended that they would have power in the other House of Parliament, while in that House, in addition to the Catholic peers, who would immediately come in, a number of Catholic peers might be created by a Catholic minister. The Catholic party would have considerable power; and any party acting in parliament with energy and perseverance must ultimately obtain success. In such a state of things, what he would ask, would prevent the Catholics from uniting with the Dissenters to oppose the church establishment, to which both parties were equally hostile?—Besides these direct and inevitable consequences from passing this measure, there was the natural though not immediate consequence of its creating an indifference amongst Protestants to that state which no longer extended to them and their establishment its full and complete protection. It was said that this measure would secure the state a real union of support from the people of Ireland. To obtain such a union would be his most earnest wish; but it was not alone a union with the Catholics of Ireland he desired; were there not also the feelings of the Protestants of that country to be considered? He knew that many of the latter yielded with great liberality their real sentiments upon this question, and overlooked the historical incidents of their country, which were but too well calculated to excite apprehension. They could not forget the proceedings in Ireland, in 1689, when James the II. gave a temporary triumph to the Catholic religion: they could not forget the barbarity with which the Protestants were then persecuted, and surrendered to an unbridled and licentious soldiery. The Protestant charters were then seized upon, and every insult heaped upon the professors of the Protestant religion; and, when James himself manifested some desire to secure to the Protestants those possessions which he promised they should enjoy, the Catholics refused to obey his order to restore what the Protestants had been despoiled of, denied his authority in spiritual matters, and declared that upon such they only owed allegiance to the see of Rome. They also at that time declared Ireland independent of England in her government. That was the toleration extended by the Catholics to the Protestants of Ireland in the reign of James. For the sake, then, of the Protestants, he protested against this bill. To the securities it provided he alike objected: they went to remedy no anomaly, to reconcile no subsisting difficulty. England had long enjoyed the benefit of her present form of laws. During their operation she had made a rapid progress in all the arts of civilized life: her arms had gained her the highest renown; and her constitution had been the admiration both of Catholic and Protestant: it secured to all the fullest enjoyment of toleration and perfect protection. They ought never to forget the fact, that with the existing form of government was inseparably interwoven the Protestant church: the one could not be affected without the other. Tyranny was the great characteristic of an unlimited monarchy—caprice and uncertainty, of a republic; and with the same unerring certainty could they trace in the principles of Catholicity a predilection for arbitrary power; in those of Presbyterians a democratical tendency; while in the Protestant government of this country, the great distinguishing feature had ever been a practical demonstration of all the

principles of rational liberty, of justice, of order, of equal laws, and steady moderation. Was the glorious bulwark which exhibited such a spectacle to an admiring world, and which their ancestors had cemented with their blood, to be now remodelled? Was that to be done, too, at a moment when the church establishment was assailed by open foes, and undermined by secret ones? Was that the moment which was to be selected for exposing that church to the desertion of its national and natural support, and with it to the sacrifice of all those pure and salutary enjoyments which were now dispensed under its sacred influence and beneficial protection? For these reasons he was bound to give the bill his decided opposition.

The Bishop of *London* said, that on the present occasion he could not reconcile it to his feelings to pursue the same course which he had followed on former occasions when this subject was under their lordships' consideration, namely, to express his dissent by a silent vote. The question came now before them in a shape which was entitled to their most respectful attention; for it came in a legislative form from the other House of Parliament. Against such a bill, it became now his duty to state his conscientious objections. He meant to offer an opposition, not only to the principle of the measure, but also to the details as embodied in the present bill. In taking this course he begged to disclaim all hostile or illiberal feelings towards the Catholic body, for such he had never entertained; on the contrary, his feelings and principles were ever to grant to all classes of his fellow subjects the full exercise of their religion without molestation or insult, while that religion contained nothing repugnant to morals or decency. To the Catholics he was always ready to grant the unfettered enjoyment of their form of worship, the free disposition of their property, the fullest personal protection, and an equal security under the laws. Beyond these was political power, and if he could not grant that, it was from a sincere apprehension for the safety of the Protestant establishment. He was ready to admit the loyalty of the Catholics, and particularly those of England, whose peaceable disposition and order had been for a century remarkable: and if any agitation had taken place among the Catholics of Ireland, he was sensible it was often attributable to the peculiar state of that country, a state which he thought no particular foresight at the time would have remedied, and for which no immediate remedy could by any measure be applied. His great objection, however, was, to the religious principle of the Catholics—to that which required, on their part, unlimited submission to a foreign authority—an authority which assumed unlimited dominion over the consciences, excluding from them all exercise of their own reason regarding all matters of religion. It was a principle of that religion to regard all dissent in spiritual matters, as rebellious contumacy, and to require of its votaries the uniform advocacy of her interest and power. That was the genuine doctrine of the Catholic church, as avowed by her orthodox sons. If such, then, was its character, it followed that no oath or contract clashing with that spirit of discipline could be deemed by a Catholic as lawful or valid; and certainly none could be understood as being taken without a reservation of the nature he had alluded to. This reservation was implied in all the oaths or obligations of Catholics, and it pervaded every part of their religious policy. The Protestant made no such reservation—his salvo was with his God, while that of the Catholic was alone with his church, as a fixed rule and imperative measure of duty. Hence it followed, not that the Catholic, as had been invidiously stated, was not to be believed upon his oath, but that, when he took the obligation, he always kept in view a reservation for the rights and interests of his church. It was this mental reservation which weighed upon his mind, and which must have equally impressed the minds of those eminent and illustrious statesmen, who, at the time of the Revolution, saw no security for the liberties of their country, but in making its government essentially Protestant, and excluding from the prominent offices therein those who professed the Catholic religion. It was in this principle that the Protestantism of the throne was secured, and that the king was bound by the law to sacrifice any choice of Catholic ministers. Indeed, the same principle was so far recognised in this bill, that, notwithstanding its concessions, it expressly excluded Catholics from eligibility to fill the offices of lord chancellor, and lord lieutenant of Ireland. It prescribed the Catholic from advising the sovereign in matters touching the religion of the state, while it per-

mitted him to form a part of the legislature, which was to make laws for the empire. It disallowed Catholicity to the king and his immediate representatives, while it allowed it to Catholic governors of colonies, who must necessarily have considerable control over matters calculated to affect the Protestant church. The great predominating evil of this bill was, that it divested the established church of the friendly and direct countenance and support of a Protestant government. He hoped their lordships would never give their consent to a measure so vitally altering the controlling principle of every branch of government at home and abroad. It was said that this measure would allay the agitation which prevailed in Ireland. He thought differently, and could not concur in ascribing to it such a healing effect. On the contrary, he thought great alarm would be naturally excited among the Protestants by this sudden transfer of so much power and influence to an adverse party. There was no reason whatever for supposing that this bill would give satisfaction to the Catholics of Ireland. It would work no material alteration in the actual condition of the great body of the people; for they could receive no sensible addition of privilege by its adoption: a few alone in the higher classes were likely to be advanced by it. Of the Catholic hierarchy he wished to speak with all possible respect; but, like all other men, they must be considered liable to human passions, and he could never believe they would abandon all hopes of resuming the eminence they once enjoyed in the state; or of repossessing that power and those privileges which they must persuade themselves they had lost by an unhallowed usurpation. The laical parts of the bill were comprehensive and unrestricted; it was the clergy who were alone alarmed and offended at the view taken of their situation in this bill; and yet this hostile feeling was induced by the provisos of a bill professedly conciliatory in its intended object. Those whom the legislature meant to propitiate were by the act of propitiation rendered still more alarmed and hostile to the measure. While, on the other hand, the Protestants, for whom the securities were intended, were hardly satisfied with the reserved restrictions, and had in their turn their feelings roused against the bill.—Upon the securities contained in the bill he would beg to say a few words. If they were prepared, as the bill imported, to recognise the appointment of a Catholic hierarchy, and to legalize their intercourse with the see of Rome, he thought it not unreasonable to expect that the Catholics would be ready to concede, in their turn, some power of restricting or regulating the appointment of that hierarchy, and of examining the mode of maintaining that intercourse. It should always be remembered, that the danger to be apprehended was not likely to arise in the shape of open rebellion, but in the silent and certain changes which influence would work when Catholics had a power in the legislature, and an immediate concern in the government of the country. It was influence they had to dread, and an influence of a description against which no human wisdom, if these restrictions were withdrawn, could provide an effectual bar.—He did not think that the oath provided by the bill which disclaimed undivided allegiance was a sufficient substitute for the form of oath which had been withdrawn to make room for it. He contended that the only way of clearing up this part of the projected arrangement would be for the Catholics at once to give a full explanation of what they understood, in the way of distinction between civil and spiritual jurisdiction. This ought to be done in the first instance; for he must altogether protest against any ambiguity in the language of the oath. The right reverend prelate then quoted the historian Clarendon, who touched upon the distinction between temporal and spiritual authority, and pointed out the imperative necessity of having it clearly and explicitly defined. He thought it quite clear that when it was proposed to their lordships to make so great an alteration in the constitution as the present bill involved, it was understood that the alteration was to be accompanied by securities as permanent as the intended duration of the privileges to be conceded. Was that the case with the bill? It conceded every thing to the laity unaccompanied with restriction, and it affixed securities to ecclesiastical regulations, which it was quite clear, from the language used by the Catholic clergy, that if carried they must eventually be compelled to abandon. This being his view of the case, it was impossible he could countenance such a bill. It furnished no adequate securities for the safety of the Protestant government, while it

proposed at once to withdraw from the church and the state those barriers with which their ancestors had fenced round the glorious constitution they had reared. He could not consent to sever the bonds of national security provided by their ancestors: he could not consent to remodel that structure which had been settled on the basis of a pure religion, and upon views of state policy of the soundest kind.

The Duke of *Sussex* said, that if at any time he had risen upon this great question, with a full impression of the necessity of curbing his feelings, and arguing with coolness and temper, the present was the time when he felt the fullest necessity of dispassionately considering the important subject involved in this bill. The noble earl opposite had, in his powerful speech, thrown out a hint that the effect of passing this bill might be to induce a secession among Protestants, who otherwise would remain devoted to their church. Now upon this remark he should merely say, that he yielded to no man in the necessity of inviolably maintaining the Protestant religion. He had always felt this necessity when he had on former occasions advocated this vital question, and advocated it, he believed and trusted, upon the great principles which had placed that family, of which he was an humble member upon the throne of these realms. In looking at the great question now under their lordships consideration, he thought it behoved them, before they entered into the general argument, to examine what was the origin of the penal laws against the Catholics; to see whether the cause which led to them still required their continuance, and also to investigate how far the present state of society was constituted like that which provoked those laws, and if not, what changes that state had undergone, which required their modification or abrogation. It was very material to see how far the provisions of the bill were consistent with the state of things which had sprung up since the original enactment of the restrictions, and also how far they accorded with the opinions professed by Catholics in this and other countries. Much had been said of the proportion of confidence to be given to the obligations of Catholics. On this he would say, that before any man was justified in casting suspicions upon another, he ought seriously to reflect how far those suspicions were well-founded. In referring back to the origin of these laws, it would be seen that they had begun in a time of great heat and irritation, and carried in some instances beyond the length which was intended by the framers. An historical review of those laws would at once show the spirit in which they were provided and the objects to which they were directed. His royal highness then read the 37th article provided by queen Elizabeth for the government of the church, which asserted the pre-eminence of the throne in matters civil and ecclesiastical. With reference to what had been said respecting the want of proper explanation on the part of the Catholics upon the distinction between temporal and spiritual jurisdiction, he begged permission to refer to what he had heard from an eminent professor under whom he had studied at the university of Gottingen. After reading a Latin extract from the jurist in question, the royal duke proceeded to read other extracts tending to explain the supremacy which queen Elizabeth exercised in the church of England. He then said, that if he could prove that in the question of the temporalities of the church, the whole power lay in the Crown; and if he could show that in all ecclesiastical arrangements coming from abroad—and he spoke not merely of this country, but also of other nations, even of those in which the Roman Catholic religion was the established religion—no law could be promulgated without the approbation and *bene placitum* of the sovereign, he thought that he should convince their lordships that the danger was only visionary which some individuals apprehended from allowing the Catholic population of the British empire to possess that share of legislative power to which their property, if it had been in other hands, would have entitled them, and which he himself considered to be one of the proudest boasts of the English constitution. In reference, then, to the danger, his historical knowledge led him to form a conclusion very different from that which had been formed upon the same subject by the noble earl who had preceded him; for not only did past events prove that the pope could have no influence in this country, but also that he never had any power in any country except such as the king of that country had lent himself to support. In this country it was not likely that the king would lend himself to the support of such power; for in it the king must be a Protestant. And

whilst he was on that subject he begged to remind the House, that the sovereign in England was not to be considered as an individual, but as a corporate body, surrounded and attended by many high officers of state, responsible each and all for the line of conduct which he pursued. Therefore not only the sovereign himself, but all his ministers must be Catholics, before any support could be given to the pope—a circumstance so improbable, that he considered the argument founded upon it as dying away of itself, and therefore unworthy of farther attention. Their lordships would also recollect, that if the king either professed the Catholic religion himself, or married an individual of that persuasion, he would be committing a breach of the act of settlement which had placed his family upon the throne. A remedy was therefore already provided for the danger which some noble lords anticipated from such a contingency. The question of the danger arising from the indirect interference of the pope led him to the consideration of a rule which had been made at the council of Trent, and which had not been subsequently invalidated, regarding the manner in which papal bulls were promulgated. Now, the formation of a general council was a meeting of all Catholicity. A general council consisted of the patriarchs, of the different churches, of the bishops and archbishops, of the different sovereigns of the states professing Christianity, of the heads of the monastic orders, of the professors of the different universities, &c. &c.; and unless all these parties attended either in person or by deputies, it was not a general council, neither could the pope's sanction of its enactments make it one. His royal highness then read the rule as stated in the Latin minutes of the proceedings of the council, regarding the manner in which papal bulls were to be propagated, and instanced a case which occurred in the Netherlands whilst Margaret of Parma was governor of them for Philip 2nd of Spain, and which proved, as he said, the little attention which was paid to them, when they were not supported by the temporal authority of the prince in whose dominions they were published. If such were the case in Spain and the Netherlands, *à fortiori* would it be so in an enlightened and Protestant country like England. His royal highness then took a review of the circumstances which led to the Revolution in 1688, and also of those which seated on the throne of England the family to which he had the honour to belong. At that time, the Roman Catholics were a body of men that caused great alarm and apprehension to the government; but at present the case was completely altered. The pope was reduced to that state of insignificance, or, if he had not had a reluctance to trample upon the fallen, he would have said to that feeble, ridiculous, and despicable state which sir W. Blackstone had described as the fit time for reviewing and softening those rigorous edicts against Roman Catholics, which nothing but the most apparent state necessity could for a moment justify. Feeling that to be the case, and having an earnest desire that his fellow Catholic subjects should be admitted to a full participation of the blessings of the constitution, he should give his vote in favour of the present bill, especially as he considered the securities which it demanded from the Catholics to be sufficient to preserve the country from those dangers which some noble lords feared from the passing of it. In conclusion, his royal highness conjured their lordships to recollect that what they were then doing was legislation, not concession; and implored them, if they were of opinion, as he was, that the present bill gave no more to the Catholics than what was just and expedient, to afford it their warmest and most immediate support.

The Marquis of *Buckingham* observed, that the arguments which had been used in the course of the debate referred more to the existence of certain tenets and doctrines in the Roman Catholic religion, than to the question whether the restrictions under which the Catholic population laboured were such as were just and deserving of a longer continuance. This circumstance arose from the peculiar nature of the subject then before their lordships, which, on every occasion that it was discussed, added strength to the advocates of emancipation, not so much from any increase of talent that they acquired, as from the perpetual variation of arguments to which they drove their opponents. Time after time had the defenders of the restrictions been obliged to take refuge from their old arguments behind some new intolerances; and time after time had that intolerance been proved as untenable as those which had been previously abandoned. The noble mar-

quis, in confirmation of this assertion, took a short review of the penal laws which had formerly existed against the Roman Catholics, of the successive arguments by which the existence of those laws had been defended, and of the circumstances under which they had been severally repealed; and inferred from that review, that up to the year 1793, the repeal of them had been caused, not so much by a sense of justice, as by the necessity of the times. It was true that in late years a more benignant and tolerant spirit had begun to display itself. He recollected that in 1806 the admission of Catholics into high command in the army and navy was looked upon as a measure calculated to subvert both the altar and the throne; but within the last year or two, an act, giving them that admission, had passed both Houses of Parliament almost without a debate, and certainly without any protest being entered against it, even by such of their lordships as had most strenuously opposed it upon a former occasion. Thus, after a course of two hundred and sixty years, they had almost restored the Catholic to the enjoyment of the same privileges as he had possessed in the reign of queen Elizabeth. Some privileges, however, were still withheld. He was now permitted to fight the battles of his country, and to pay his share to the burdens imposed upon it: he was not, however, allowed to sit in its senate, and to decide on the measure that was necessary to its preservation. He was allowed to till the land and to sow the seed; but he was refused any participation in the harvest, and yet he was said to be treated with a spirit of candour and toleration. Step by step had concession yet been made to him; and that concession ought to continue until he was placed within the limits of the constitution, as defined by acts of parliament and as guarded and secured by the language of the law. Their lordships had no right to exclude any person from a full participation in the blessings of that constitution, unless they could show that danger would befall it from consenting to his administration. Indeed, unless their lordships were prepared to prove that the danger of admitting the Catholics to the full rights of a British subject would be as imminent to the constitution, as it was at the time that he was excluded from it, they were not acting upon the principles of their ancestors, but upon some new principles which they had fashioned for themselves; for he was ready to maintain by historical evidence, that never had the Catholic, as a Catholic, been excluded from office in England; and if their lordships excluded him for any other cause than his own demerits, they were acting with as much injustice as they would be in punishing an individual for a robbery which had been committed by one of his ancestors 250 years ago. How then did the case stand with regard to the Catholic? At the Reformation did Edward 6th exclude Catholics from his council-board? Certainly not; his first council consisted of Catholics as well as of Protestants. He was excommunicated by the pope for the share which he took in promoting the Reformation. Did he therefore exclude Catholics from offices of power and dignity? Certainly not. A rebellion broke out in the north in consequence of that excommunication. Who was sent to quell it? The lord of the marches, lord de Clifford, a Catholic. In the reign of queen Elizabeth, when the Spanish Armada was hovering around the coasts of England, who did she appoint to the command of the fleet to oppose it? Lord Howard of Effingham, a Catholic. Who did she appoint to the defence of Dover-castle, at that time the most important fortress in the country? A nobleman that was a Catholic. Who also did she intrust with the office of lord high admiral of England, an office of such power and importance, that succeeding ages have considered it dangerous to intrust it to any subject, and have therefore placed it in the hands of a commission? Lord Howard, of Effingham, a Catholic nobleman. The lion-ported daughter of Henry the 8th did indeed alter the form of the oath of supremacy as administered to the Commons; but, from a well-founded confidence in their loyalty, she did not compel the peers to submit to that alteration. She would not, as had been well-expressed by lord Bacon, place windows in a man's breast to discover what was passing within, and therefore never excluded the Catholic from power. James 1st, though the gunpowder-plot had been devised to destroy him, showed towards them the same forbearance. In the reign of the second Charles the Catholics were excluded from power. And why? Because they had been busily engaged, or were supposed to have been busily engaged, in plots to overthrow

the government. But did that measure of exclusion extend to the Catholics of Ireland? By no means. Their lordships were, however, now told, that if Catholics were to be re-admitted into parliament, their numbers, though small and insignificant, would soon increase to such an extent, as would lead them to form designs subversive of the altar and the throne. The experience of history was directly opposed to this position. In the reign of Charles 2nd, when the king was secretly a Catholic, when the queen and the presumptive heir to the throne were avowedly Catholics, and when Catholics had the right of sitting in parliament, they could not prevent themselves from being excluded from it? Was the church of England weaker now than it was in that day? Were its friends now no less zealous than they were upon that occasion? If they were not, why should they fear those circumstances in the reign of George 4th, which had not been productive of harm in the reign of Charles 2nd? In the succeeding reign, James endeavoured to establish arbitrary power by the instrumentality of the Catholics, and in consequence was expelled the throne. Did William 3rd exclude the Catholics merely because they were Catholics? No: the preamble of the penal acts passed in his reign all recited some positive conspiracy in which the Catholics were engaged, and unsuccessfully engaged, to overthrow the government. It was not till after the peace of Ryswick that the attention of that monarch was particularly called to the Catholics of Ireland. He then treated with Ireland, and pacified it by the treaty of Kilkenny—a treaty in which it was stipulated that the Catholics should not be called upon to take the oath of supremacy, but only the oath of allegiance: and that, for the further conciliation between him and his Irish subjects, a free parliament should be assembled at Dublin, elected both from the Catholic and the Protestant part of the community.—The noble marquis, after stating that all that Protestants admitted in taking the oath of supremacy was, that the king was the head of the church in temporal affairs, and after denying that they admitted that he was the head in matters of conscience, proceeded to state, that with such an understanding the Catholics were ready to take the oath, to which he had heard a reverend prelate state in answer, that it was but an oath, and that Catholics were not to be believed upon oath.

The Bishop of *London* rose to explain. He had never said that Catholics were not to be believed upon oath: all he had said was, that a Papist on taking an oath took it with a reservation of the duty which he owed to his church, which was a limitation that Protestants did not use.

The Marquis of *Buckingham* said, he did not wish to misrepresent the reverend prelate; but taking the matter upon his own exposition, it amounted very nearly to the same meaning as he had put upon it. He thought, however, from what had fallen from the reverend prelate, that he had never read either the oath proposed to the Catholics in 1793, or that now proposed to them, and which had been drawn up by a gentleman, who certainly was not one of their greatest friends That reverend prelate and those noble lords who acted with him must believe either that a Catholic was to be trusted upon his oath or that he was not. If he was to be trusted upon his oath, their lordships had bound him by one—if he was not, and if he disregarded oaths altogether, what was it that prevented him from sitting among them in parliament? By his not being there, he showed that he regarded an oath; and it was too much, after their lordships had framed an oath, and he had showed that he regarded it, for them to turn round and to say that he could not be believed even upon an oath—The noble marquis then read the oath of 1793, which disclaimed all the objectionable points imputed to the Catholics, and which they had declared their readiness to take. He then asked, what had become of the fears which a noble earl had expressed for the property of Ireland, and a reverend prelate for the property of the church? He next implored the House to go into a committee, and to consider what securities would be sufficient, if those in the present bill appeared to be insufficient. This he conceived it to be the imperative duty of their lordships to do; for he did not think that there was one man among them who could lay his hand upon his heart and say that he was convinced that this measure would not ultimately pass both Houses of Parliament. The bill was recommended to their lordships by one of the Houses of Parliament; it was recommended by the petitions and pledges of the Roman Catholics; it was recommended by the ac-

quiescence of the Protestants. If their lordships were convinced that, sooner or later, this bill must pass—as pass it would—where was the wisdom of putting off the passing of it? Was the political horizon so clear that there existed no motive for tranquillizing all the inhabitants of this country? Where was the statesman who could say, when he looked upon the present state of Europe, that no necessity would soon arise for calling for the united affection and support of all classes of the people? If the period should ever arrive when mutual charity and mutual concord would be required, and when the system of religious hostility and political exclusion must be abolished, in the name of God let them be prepared to meet that call, by now giving, in the calm deliberation of legislative wisdom, the rights and privileges which justice and policy at once demanded and warranted.

The Bishop of *Chester* thought this a most important subject, and he therefore thought, let the result of that night's discussion be what it would, that he should not discharge his duty as a bishop and a Protestant if he gave his vote against the second reading of this bill, without stating as briefly and as clearly as he could his reasons for giving that vote. It appeared to him, that the Catholics were already in possession of complete religious toleration; and it would, he conceived, be a waste of their lordship's time to go into any arguments in proof of that opinion, as the doors of Roman Catholic places of worship were as open as the doors of Protestant churches; but the jet of the argument was, that civil immunities and privileges which were enjoyed by the Protestants were denied to the Catholics. This appeared to him to be done for the wisest of purposes, because, he was of opinion, when an invariable connexion was observed between the religious opinions and political conduct of any body of men, the legislature was called upon to interfere. But, before he said any more, he should beg leave to disclaim all reflections upon the Catholics as a body, and all insinuations against any individual Roman Catholics, and to state, that in no part of the kingdom was there a greater number of Catholics than in his Diocese, and he was proud to declare that the most friendly intercourse subsisted between them and their Protestant neighbours; but his objections lay not against the individuals but against the religion. He did not doubt that the individuals were desirous of doing every thing which they should promise, but he more than doubted their ability to execute these promises. One tenet of the Roman Catholics was, that the members of churches different from the Roman Catholics were out of the pale of salvation, and this was the tenet which formed such a wide line of separation between the Catholics and Protestants. If this creed were not intended to be acted upon, why was it suffered to remain upon the statute book of the church? Another tenet of the Roman Catholics was, that all bargains made against the interest of the church were ipso facto a nullity. If this tenet were not proposed to be acted upon, why not be abrogated by the same authority which imposed it? Some had said that the doctrines of the church had nothing to do with the conduct of its members; but this appeared to him altogether illusory. It must be recollected, that human conduct was made up of civil and religous motives, and it must be allowed that these principles counteracted each other. If the Roman Catholics held the pope to be head of the church in one respect, and the king the head of the church in another, and that these interests should clash with each other, there could be little doubt to which the preference would be giv[illegible] His inference from the declaration of 1793 was different from that drawn by the noble marquis. In 1793 a declaration was drawn up, signed by several hundreds of the Roman Catholic gentry of the country, containing every thing which most Protestants could require; but what was the result? Three bishops apostolic published a letter, prohibiting the laity from any further interference in point of doctrine; and the consequence was, that the oath and declaration were both withdrawn. He stated this merely to show the paramount influence which the hierarchy possessed over every true son of the church; and there was every reason to believe, that what had taken place on that occasion would, under similar circumstances, occur again. Whilst the Roman Catholic acknowledged the sovereignty of the pontiff, and believed the doctrines of that church, he for one felt justified by the tenor of his holy religion, the sound principles of morals, and looking to his own interest and preservation, in withholding these privileges until he

had reason to hope that the granting of them would not be attended with danger. This was the first argument which struck his mind, and he did not think it could be answered; and of this he was sure, that it never had been answered. The argument which weighed next with him, was, that the British constitution, as settled at the Revolution, was, in all its parts, Anti-Catholic; the king must be Anti-Catholic; both Houses of Parliament Anti-Catholic; almost every oath for admission to office were in their nature Anti-Catholic; every peer, and every member of parliament were obliged to take an oath which was Anti-Catholic; every clergyman before his appointment to a benefice, was obliged to declare, upon oath, that no foreign prince had any jurisdiction in this realm. If this bill should pass, how could a clergyman take that oath? The 37th article of the church said, that the bishop of Rome had no jurisdiction in this realm; and to the 39 articles every clergyman subscribed; but if this bill, which appointed a different oath for the Roman Catholic, should pass, how could a clergyman subscribe to these articles? He must say, that a greater anomaly in legislation did not exist; and, in short, if this bill should pass, almost every oath must be altered. Protestantism was the foundation upon which the British constitution was raised; but if Catholic emancipation should be granted, all which had been done at the Revolution would be undone, and all for which their lordships' ancestors had sacrificed their lives would be lost to their posterity. From what had been seen during the progress of this bill there was no reason to believe that the Catholics of Ireland would remain satisfied. When it was recollected, that during the reign of our late ever to be revered monarch great concessions had been made to the Catholics, and that the concessions of 1793 were more than they had asked for, it would be seen that the demands of the Catholics had grown out of that upon which they fed. He must reluctantly declare to the House, that a large Roman Catholic college had been established at Stonyhurst, and that many Jesuits had been brought from Liege in Germany to that college, where an order of Jesuits was established, and that many Roman Catholic youths had been instructed by those Jesuits. If this bill should pass, and an intercourse with Rome be established, he could not see what would prevent the establishment of a college of Jesuits in London, or in any other place throughout the kingdom; but he could hardly think that the Parliament was ready to admit that England should afford a shelter to men who had been banished from Russia, and who had ever been famed for bigotry and intolerance.—Another argument against the present measure was, that the Roman Catholic religion was the nurse of arbitrary government, and that Protestantism was the genial soil of liberty. In the Papal reigns of Mary and of James the liberties of the people were outraged, and with the dawn of the Reformation and Protestantism, liberty arose. In the Roman Catholic countries on the continent the despotism of the sovereigns was complete, while in Switzerland and Holland, and the other Protestant countries, liberty and Protestantism went hand in hand. Perhaps he attached more weight to this argument than it was entitled to; but liberty, civil and religious, was amongst those things which he prized most, and which he should be least willing to lose. He felt that he had sufficiently trespassed upon their lordships' time; and the last argument which he should use was the nature of the coronation oath. The king was sworn to preserve inviolate the Protestant church; but if this bill should pass, where would be the necessity of this oath? If the ministry and the parliament should be Catholic, of what service could this oath be? He now acted upon what had been the express conviction of the most eminent men who lived for the two last centuries. Before he sat down, he would express his hope and prayer that the vote of that night would prevent for ever again the recurrence of this question; and that their lordships would not by their decision open the door to any measure dangerous to the established securities on which this Protestant empire rested.

The Bishop of *Norwich* said, that he had never acted in that House as a party man. He conceived that a bishop ought not to act in that House but where religious matters were involved. He had frequently before advocated the question then under discussion, and humanly speaking, that would be the last time that he should ever have an opportunity of addressing their lordships upon it. He would then ask what was the church which it was proposed to secure by disa-

bilities and penalties? No one could venture to say that it was that church of which the lawgiver and head had declared that his kingdom "was not of this world." Christianity prohibited every harsh, severe, and uncharitable opinion. If no other passage of the New Testament enforced this liberality, it would be sufficient to refer to the terms in which the Divine Founder of Christianity reprimanded his disciples, who had falsely imagined that their religion was to be supported by judicial interposition even from Heaven; when he told them that they knew not what manner of spirit they were of. If any thought their church could not be maintained without disabilities and penalties on millions of men they had reason to fear, either that their church was bad, or that they were in error as to the means of supporting it. No one was more anxious than he was, for the support of the church of England; he would venture his life for the truth of its doctrines and the wisdom of its discipline. But the most Christian means of upholding it he conceived to be, not disabilities and penalties, but learning and exemplary conduct on the part of the clergy; kindness, candour, moderation, and forbearance, on the part of all its members.

Lord *Redesdale* opposed the bill. He said, he could see nothing in it but a principle of contradiction. Throughout the whole, one clause was in direct contradiction to another. Protestantism had been established in this country on a principle of exclusion, it was on that principle the throne was made hereditary in the Protestant line. This bill was inconsistent with the permanent establishment of Protestantism. Was it by the words of an act of parliament, by a mere piece of parchment that it could be secured? No, exclusion was the security, and the only security on which they could rely. It was for this reason that a Catholic or any person who married a Catholic was excluded from the throne. When, in the time of Charles 2nd a bill had been introduced to prevent James from succeeding to the throne, it was opposed on the same ground on which the present measure was supported. The arguments were the same as those now used. It was asked, whether they would exclude that monarch from the succession for entertaining conscientiously his religious belief as a Roman Catholic? The answer was, Yes; because a Catholic monarch could not properly administer a Protestant government. The dangers of such policy were pointed out—and, after James came to the throne were not all these dangers realised? Parliament subsequently came to the decision that it was inconsistent with the interests of a Protestant government, that a Catholic should sit upon the throne. The establishment of this principle of exclusion was argued against by the reverend prelate as uncharitable: but he would ask, was it uncharitable to take measures for the security of the Protestant church and government? He was no personal enemy to the Roman Catholics. In opposing this measure, he could not be accused of inconsistency, because on a former occasion, he brought in a bill for their relief. He then declared how far he was ready to go, and as this measure went much beyond what he thought expedient or necessary, he felt it his duty to vote against it. This he did, not upon religious, but political grounds. Every religious sect in a state was a political party. The established church itself was such, and it was as a political party he considered the Catholic Church in this country. No person had a higher opinion than he had of the Roman Catholic peerage and gentry, but he viewed them as a political party. Whatever might be their integrity, their importance and their loyalty, experience showed that, in political matters, their sentiments were not those that must prevail with the great body of their own communion. In questions of policy it would be found that the tail governed the head. What had been the case with the protest of the Roman Catholic prelates? It was signed by three vicars apostolic, and only one refused to subscribe to the sentiments it conveyed. His opinion, however, prevailed. It was no argument to talk of the respectability and loyalty of the Catholic gentry, for, as he said before, the tail governed the head. Another objection which weighed strongly with him was, that the Roman Catholic religion allowed no man complete possession of his own conscience. The bill professedly proceeded on the principle of giving security to a Protestant succession to the throne, and to the Protestant churches of England and Scotland, but went on to enact what would certainly undermine the only foundations on which that security rested. Among other provisions for security, was one to regulate the corres-

pondence between the see of Rome and the Catholic prelates—that was, to regulate what was declared illegal by law, without repealing the laws so declaring it illegal. The bill did not attempt to repeal those laws professedly, but by a side wind; it, in fact, made the Roman Catholic church an established church here, and entirely passed over two acts of parliament—one for England, the 1st of queen Elizabeth, introduced professedly for the purpose of extinguishing for ever in these realms all foreign power, temporal or spiritual. This bill proceeded on the admission of spiritual authority in the pope. If the framers of it were disposed to act openly, they would have recited the 1st of queen Elizabeth, and a similar act for Ireland, which was the 2nd of queen Elizabeth. The substance of these acts should be considered; they were in principle and substance the same as those which established the throne in the Protestant line, and excluded king James. The right rev. prelate thought it uncharitable to exclude from the succession all the descendants of James except the electress of Hanover. The only reason for the exclusion was, that they professed the Roman Catholic religion, and were they now to assert that the king occupied the throne on a false and uncharitable principle? When it was asked, what fears could be entertained from admitting Catholics to seats in parliament? he would answer, that the fears to be entertained were neither visionary nor trifling. What were the consequences of admitting the Catholics of Ireland to a share in sending members to parliament? If a bill to that effect had not passed, the present measure would never have come up to that House. Instead of conciliating, it would only irritate, for the generality of men were governed by their passions and prejudices, and not by reason. The noble earl who moved the second reading, disclaimed any wish on the part of the Catholic clergy of Ireland, or any disposition to interfere with the emoluments of the established church. He said they would rest content with the alms and free offerings of those of their communion. When he was in Ireland a very different sentiment prevailed among some of the most respectable of the Catholic body. He was invited to a house where there were present many distinguished persons; he was the only Protestant among them. The conversation turned on a provision for the Roman Catholic clergy. The proposal was, he believed, 100*l.* a year for parish priests, 2,000*l.* for archbishops, 1,000*l.* for bishops, 500*l.* for deans, and so on, the whole amounting to about 290,000*l.* a year. He asked how it was to be paid? and the answer was, out of the possessions of the church; that the Protestant clergy must consent to give up sufficient for that purpose; that a provision, in the shape of a *regium donum*, would not be accepted, as it would make the Catholic clergy dependent on the Crown, and lessen the influence they possessed over their flocks. The measure could not fail to create a desire of making the Catholic the established church of Ireland. In this country the number of Roman Catholics was so small that it would be ridiculous to think of re-establishing their religion in it. There was no hierarchy here; but such was not the case in Ireland. Let the religion be once established in Ireland, and there was a hierarchy at hand, archbishops, bishops, deans, and chapters. Considering that the bill could be productive of no good effects in either country, that on the contrary it would only lead to irritation on one side, to disappointment and to further demands on the other, he felt it his duty, as well for these as the reasons before stated to oppose it.

The Earl of *Harrowby* said, he could not consent to give a silent vote, both on account of the importance of the question and the part he had taken in former debates upon this subject. The tone assumed by the opponents of the measure, who did not indeed denounce its supporters as enemies to the church establishments, but insisted that the whole course of argument in its favour tended to its destruction, also induced him to press a few remarks upon the House. He would yield to no man in the sincerity and warmth of his attachment to the established church, and he declared that this measure would meet with his decided opposition, if he could be persuaded that there was any just ground for apprehending danger to the church. It was an object of no small importance to remove every galling feeling from so large a portion of the community, and to unite every man in the empire in its defence against every danger that might assail it. This was an advantage, however, which, great as it was, might be purchased too dear. The principle of the present bill

was, to grant to the Catholics whatever could be granted with security to the Protestants. Such was the principle of the bill; and it would be necessary so to restrain its provisions as to make them compatible with that principle. This, however, was not the stage for opposing the measure; and he thought that none of their lordships ought to vote against the second reading of the bill, who were not prepared to contend that there was nothing in the conduct of the Catholics, nothing in the advancement of knowledge which either now or at any time could warrant an alteration of the existing laws. Though little that was new could be offered on either side of the question, yet a good deal that was old had that night been omitted, or only slightly introduced. For instance, the House had heard a great deal less than formerly of the bigoted decrees of the pope, and of the various acts of usurpation and tyranny that had disgraced the history of Catholicism. But if the arguments employed on the other side proved any thing, it seemed to him that they proved a great deal too much: if they were well-founded, it was impossible not only that a Catholic should be a good legislator, but that he could be a good subject. Yet it required no very subtle arguments to show that Catholics both had been and might be good subjects, though they might now and then prove erroneous reasoners. Every doctrine of a dangerous description they had distinctly abjured in the strongest possible language. One right reverend prelate had touched upon the intolerant doctrines of the Catholics, such as that theirs was the only true church, and that out of its pale there was no salvation. But, was that the only church that entertained such doctrines? Was not the Prebyterian church of Scotland equally intolerant? In 1646, it had been seen requiring the parliament to put down and extirpate all heretics; and accordingly the parliament had passed an ordinance against heresy. He did not wish to revive unpleasant feelings against that church, but could any authentic document be produced in which this intolerance was disavowed? Nevertheless, within sixty years, on the accession of king William, an attempt was made at a union with Scotland; it was renewed in the opening of the reign of Anne, but it was not until some time afterwards that it was completed. What took place during those discussions? The Kirk of Scotland solemnly warned the parliament not to concur in the toleration of episcopacy; yet with this dreadful threat and imminent danger, the parliament of England consented to take into its bosom 16 peers and 15 commoners belonging to that intolerant Kirk. The warning was not confined to the Presbyterians; for one of the most eminent peers of that day, seconded by others, prophesied the most fearful consequences from this admission of Presbyterians, and declared that if the bill for the union passed, he should have outlived all law and the very constitution itself. Notwithstanding these gloomy predictions, could any man now contend that that union had not proved one of the strongest and firmest supports of the church establishment of this country? As to the number of Catholics that could sit in parliament in consequence of this bill, he had taken measures to obtain the best information, and he found that there were only about seven peers, of the noblest families in the empire, who would become entitled to take their seats in that House; and as to the other House, he understood that possibly about fourteen or fifteen representatives might be returned, but probably not more than five or six. And was it to be supposed that the whole colour of the Protestant parliament was to be changed by this insignificant infusion of Catholicism? He was convinced, not only that the fears of some persons exaggerated the danger, but that in truth apprehensions were perfectly groundless. Their lordships had heard of dangers to arise from a constant union of Catholic members turning the scale upon every question as to which parliament was nearly divided; but surely the object of such an union must be at once defeated, by the very defiance and opposition which its formation would excite. At all events there was as much, if not more, danger of such cabal among Protestant members returned by Catholic interest. He did entreat of their lordships not to reject, without consideration, the bill which came to them recommended by a majority in the lower House. This mark of deference was, in his opinion, due, whatever decision their lordships might be disposed ultimately to pronounce upon the measure. The time was peculiarly auspicious for the fair and full considera-

tion of this measure. For happily we were not at present occupied in any foreign war, or agitated by any internal disturbance, or driven to the question by any clamour or menace. No clamour or menace had indeed been raised on either side of this important question, and thus the House was left calmly and considerately to examine all its merits, and to come to a cool, dispassionate conclusion. The noble earl impressively urged the impossibility of allowing matters to stand as they did at present with respect to the Catholics. The Commons had declared in favour of their claims; and therefore, whatever might be the fate of the present motion, their lordships must expect to have the subject brought before them, session after session. Were their lordships prepared for keeping up a perpetual conflict with the Commons, and maintaining the eternal refusal of any concession to the Catholics? Would not their lordships consent even to put the English Catholics upon a footing with the Catholics of Ireland? For if they would, that was a reason for allowing this bill to go into a committee. The Catholic freeholders in Ireland were at present on a level with the Protestant freeholders; and while such political power was granted to the peasantry, why should proportionate power be refused to the rich and enlightened among the Catholic body? Or why, as it was often and impressively stated, should a perpetual retaining fee be held out to every Catholic barrister for sedition and disaffection, by placing beyond his reach the reasonable objects of his ambition? The noble earl concluded with expressing his hopes that their lordships would treat with due respect the decision of the other House after mature deliberation, and that whatever their final vote might be, they would allow the measure to go into a committee, and thus satisfy the public that they were not influenced in their decision by passion or by prejudice, or by any considerations inconsistent with those which should influence the conduct of temperate and enlightened statesmen.

The Earl of *Liverpool* observed, that as there was no probability of the debate being gone through that night, he thought it convenient at that time to move an adjournment until to-morrow; for, whatever might be the ultimate decision of the House, it was desirable, that no one within or without this House should have any reason to conclude that the question had not been deliberately and fully discussed.

The debate was accordingly adjourned till to-morrow.

HOUSE OF COMMONS.

Monday, April 16.

TIMBER DUTIES BILL.] The order of the day being read for going into a committee on this bill, Mr. Wallace moved, "That Mr. Speaker do now leave the chair."

Mr. *J. P. Grant* said, that it was his intention to move as an amendment that the question should again be referred to a committee. The learned member proceeded to argue, that the duties contemplated by the bill, went to impose a tax of 600,000*l.* upon the country. He contended that the principle of free trade ought to be acted upon in this trade. Independent of the protection given to Canada, the present bill rendered us tributary to Russia, for 160,000*l.* a year, for no other reason than because we would not have the deals of Norway. He would ask the Chancellor of the Exchequer, if he refused to give up a tax like the Malt tax, pressing with the greatest severity upon the country, because the revenue must be kept up, how he could feel himself in a condition to allow a drawback to Russia of 160,000*l.* and to the colonies of 450,000*l.* a year. The learned member expressed his surprise at the report which the committee had made. He thought their determination must have been made under the existence of some miraculous mistake; for they bestowed industry enough in examining the question, and the principles upon which they ought to have acted were perfectly clear and intelligible. All that was said in vindication of the principles of the bill with respect to Canada was, that if the protecting duties were not afforded, machinery to the value of 150,000*l.* would be destroyed. If any losses of this kind would ensue, in God's name grant compensation. His object was to refer the subject again to the committee. He should propose that 2*l.* 15*s.* should be the duty upon Baltic timber. All deals, according to their cubical contents, should be subject to the charge of 3*l.* 15*s.* Upon American timber he should propose 15*s.* for the first year, and 5*s.* more for the second, and ten for the third year, which

would be equal to the difference in freight. The learned member concluded by moving as an amendment, "That this House do resolve itself into a committee of the whole House to consider further of the duties on timber."

Mr. *Wallace* said, he was glad of the opportunity of obviating a few of the objections to his proposition which had before been stated in the House, and had that night been reiterated by the hon. gentleman, who had prefaced his amendment by an outline of certain measures expedient to be adopted, but in the propriety of which he could not concur. When he had himself first brought a measure forward visibly affecting the interests of the colonies, he had naturally anticipated a great deal of opposition. As he expected, it had proceeded principally from quarters connected with those colonies; but he would candidly avow that he had not anticipated so extensive, so detailed an opposition as he had experienced. He had rather startled at the proposition which had been just insisted on by the hon. gentleman, that there was nothing in this subject which he had particularly to attend to but the interests of the British consumers. He differed greatly on this point from the hon. gentleman. He thought that he was justified in taking a much more enlarged and important range, and such a one as the magnitude of the subject seemed to him to require. As to the report of the committee on foreign trade in the other House, he was disposed to admit the general correctness of the principle there laid down, and quoted by the hon. gentleman; but he was yet to learn that his own proposition was incompatible with that general principle. As to the various hypotheses which had been so often discussed, as arising out of this subject, a question might hereafter arise (although he sincerely hoped it never would), upon the employment of foreign bottoms in preference to English ones, on account of the cheaper freight payable to the foreigner; but surely it was not necessary for him to enter by anticipation, upon the merits of so difficult and so ungrateful a matter. And the same might be observed of an almost infinite variety of other propositions; which, although they might naturally enough present themselves in the course of the argument, he could scarcely be required to go into, unless they bore immediately upon the subject to which the attention of the House was about to be called in the committee. In the preparation of the measure which he had embodied in this bill, he had had very many interests to consult and to protect; and he could assure the House, that he had endeavoured to adjust them all upon the surest and most equitable principles. The hon. gentleman had said, that in consequence of the proposed measure, we were importing an article from Russia, at the yearly loss of 160,000*l.* of revenue; and that we were importing the same article from America and our colonies at a yearly loss of 450,000*l.* Now with respect to Russia the hon. gentleman's calculation might be right, assuming that the granting of a drawback was, *pro tanto*, a loss of revenue. But this remained to be demonstrated; and there were moreover many causes which might operate, supposing that no such drawback existed, to prevent either the consumer or the seller from deriving any proportionate benefit. Then, granting for a moment the assumption of the hon. gentleman, that by drawbacks on the timber exported from America and the colonies, we sustained a yearly loss of 450,000*l.* it did not follow that because the revenue settled so much loss, therefore 450,000*l.* was lost to the country; for what was the case? why, that ultimately the consumers derived the benefit of this circumstance; the effect being to make timber a cheaper article to the consumer. But the hon. gentleman had thrown out of view altogether what would be the effect of a competition which now, for the first time, the timber of certain countries would be able to sustain against the Norway timber in the market. In order to prove what might be anticipated from the future sort of competition, he would read a short statement to the House. In 1802, timber was at 5*l.* per load, or deducting the duty of 6*s.* 8*d.* it would be 4*l.* 13*s.* 4*d.* In 1820 it was 6*l.*; the duty being 3*l.* 5*s.* left it 2*l.* 15*s.* Here then, the difference per load would be 1*l.* 18*s.* 4*d.* He ought to observe, that freights now were very low; and therefore that might produce a considerable share of the difference. But he would take the difference of freight as high as 18*s.* and then the net difference would be as 1*l.* 0*s.* 4*d.* The hon. gentleman said, that there were expected from those places to this country about 500,000 loads per year. Taking these at 1*l.* per load, the amount

would be 500,000*l*. From this there was to be deducted the duty of 10*s*. per load, which on the same quantity would be 250,000*l*. reducing the sum to 250,000*l*. But against this must be set the new duty, computed at 1*l*. per load, and which, on the whole import, would amount to per year, 500,000*l*.; leaving a total of 750,000*l*. which gave a result of just 150,000*l*. per year more than the 600,000*l*. less by drawbacks, according to the statement of the hon. gentleman. These duties would necessarily have the effect of employing a great deal of shipping. The hon. gentleman had said that the interests of the colonies were of very little consequence in this question. For the sake of the argument, he would not dispute it; but it was evident that the immediate operation of this system of duties must be upon two interests, which would always be effected by them in a just and relative proportion. The benefit would alternate in this way, in proportion as the colonies had little, the shipping would have much; and when the shipping had little, the colonies would have much: therefore the proposition was as broad as it was long. These were the two important interests which had been, as he must conceive they always would be, considered to be mainly entitled to our attention and support. He meant to say that they were supported throughout the provisions of this bill, to the extent of those limits within which they could be justly and legitimately supported. As to the effect of the proposed provisions, if there was any distinction ascertained as between these interests, it was in favour of the colonies; because it was intended to introduce the article of the colonies to a competition in the market; and then as to the effect upon the consumer, it was obviously to make the article cheaper than he would otherwise have it. He had frequently stated his opinion upon the system of protecting duties generally. Generally speaking, he was adverse to that system, but he did not know how practically it could be done without. The present was a case of this nature; and here they would at least have the beneficial effects of moving a vast mass of British industry which otherwise would find no vent.—He must again advert to the frequency with which they had been told that they ought not to look to the ship-owner nor the grower, nor the seller, but only to the consumer, in the consideration of this question. Now, he felt that it was necessary to protect the producer or seller, as well as the consumer. The object of his proposition had been to rescue the existing system of duties from the excessive inequality and partiality with which it had appeared to bear on some classes of the community. He had found this system in full operation; and seeing too that under it certain countries had not obtained an equal share of advantage as to the circumstances under which the article of their growth entered the market with other countries; he had felt exceedingly desirous of remodelling and reconsidering the whole of these duties. His great objection to the hon. gentleman's proposition of laying the duty according to the cubical contents of the timber was this—that the effect of such a measure would be to give to one country a complete monopoly of the trade; and to work to the other a complete loss of it. In all the numerous representations which had been forwarded to him upon the subject of his bill, the parties, however much at variance with each other in their statements, opinions, and suggestions, were all wonderfully agreed as to one point—the propriety of securing this monopoly to Norway. The effect of the hon. gentleman's suggestion would be, to raise the duty on the timber of Russia to 30*l*. or something more; and to reduce it on that of Norway to somewhere about 14*l*.; so that there would be a difference in the duty imposed on the article of the two countries, of 16*l*. in favour of Norway. It was clear, therefore, that by the imposition of such an altered duty as that proposed, the monopoly of the trade would rest with Norway. The proposition of the hon. gentleman went to take the duty upon the sawing as well as on the cubical contents; and it was one which, in fact, went to give a protection to the saw in this country. Here then, a new system of protection was submitted to the House; a proposition to be sure, which was in admirable consistence with those principles of free trade, and the abolition of monopolies and protections, which the hon. gentleman himself had been so warmly advocating. Then, with respect to raising the duties on American timber, the hon. gentleman who had complained of that proposal must certainly labour under some error; for he would find, on looking at the evidence, that the far greater part of the witnesses who had been examined had expressed an opinion

that a duty of 30*s.* would be by no means too much for the purposes of protection in the market; and upon the whole of their evidence, he (Mr. W.) was prepared to say that he did not think they could, consistently with a due regard for the safety of all interests concerned, impose a duty of less than 2*l.* per load on the Canadian timber. The House must now decide between the proposition which he had submitted, and that which the hon. gentleman desired to bring forward. They would of course elect that which should be the most conducive to the interests of the country. The House would see that it had been an object with the committee not to raise the price of American timber, nor to recommend any arrangement that should have the effect of excluding the deals of Russia. Russia was a most valuable ally, and any such arrangement as that last mentioned would appear to be adopted for the sake of the exclusion. On the other hand, he certainly was not disposed, in the present state of political science, to encourage, by means of protecting laws, any branch of this trade which was not already in active existence.

Mr. *W. Smith* said, he was inclined to vote for the amendment. All persons must admit that the shipping interest was one of the most important branches of our commercial prosperity; but it might still be a question whether it was wise to encourage it by sending ships ten times as far as was necessary for particular commodities. Could it be politic, or was it rational, to send to America, for what we might obtain at a lower price, and of a better quality, from the mouth of the Elbe? In fact, this was just as absurd, as it would be to send to the East Indies for the sugar which we could get from the West. It appeared to him to be altogether a mistaken view of policy, to aim at the advancement of our colonial interests, by purchasing from the colonies articles inferior to those which might be had nearer home. The whole capital vested in saw-mills and machinery was said to be very small in this country. But why was it so? Was it not because we had thought proper to encourage the importation of deals from Russia? As to what had been said of the consumption he must observe, that every body was in some degree a consumer of timber. By equalizing the duties on such foreign timber as we imported, we should only withdraw from Russia a preference which she had hitherto enjoyed in defiance of every principle of trade. There were Norway merchants in this country who employed as great a capital as the proprietors of saw-mills in Canada, and he could not understand what advantage was to be derived from sacrificing the former to the latter. He regretted to say, that Norway had been for a long time very hardly treated by this country.

Mr. *Marryat* said, that the principles maintained by the hon. gentleman were contrary to the whole system of our commercial policy, and if adopted would prove destructive, both of our shipping interests, and our manufactures. He now alluded particularly to that principle of buying every commodity in the nearest and cheapest market. The hon. gentleman had remarked that the effect of this measure would be to make us purchase an inferior article. But the representation was not quite accurate. The purchaser was under no compulsion: he might, if he chose to go to the additional expense, buy the article for which he had a predilection; and this was pretty much the state of things in every other department of commerce. To show the nature and tendency of monopoly in trade, reference had been made to the historical fact of the Dutch burning their spices in the East Indies; and perhaps, if the whole of our commercial marine belonged to one individual or corporate body, the charge for freight might be greatly augmented by the destruction of a part of our shipping. But this was fortunately not the case; and as, if an army were on the point of being decimated, few would be found to volunteer as objects of that decimation, so in the multitude of ship-owners he doubted whether there was one willing to destroy his own vessels for the sake of enabling others to procure better freight. Much had been said with regard to the preference manifested towards Russia over Norway, but the truth was, that Norway was very much favoured by the bill. If he saw any chance of carrying an amendment in the committee, he would support the motion of the learned gentleman, for the purpose of suggesting one directly opposite to that which the learned gentleman had in view. As he did not, however, apprehend that he should succeed in the attempt, he thought it as well to abstain from making it, and that the

learned gentleman had, likewise quite as good reason for despairing of success.

Mr. *Ricardo* was much surprised at the course of argument adopted upon this question. Norway was said to be benefitted by the new arrangement, merely because she had before suffered a still greater injustice than it was now proposed to inflict upon her. The proposition made by his learned friend went only to place Russia and Norway, as respected the importation of their timber and deals, on the same footing; yet this had been described by the right hon. gentleman, as giving a monopoly to Norway; and it had been contended that such a regulation would cause a proportionate rise in the price of Norwegian timber. Now, a slight degree of attention must convince every one, that the higher the price of Norwegian timber rose, the more able must Russia be to compete effectually with Norway. It was contended, that the interest of the producer ought to be looked to, as well as that of the consumer, in legislative principles. But the fact was, that in attending to the interest of the consumer, protection was at the same time extended to all other classes. The true way of encouraging production was to discover and open facilities to consumption. An hon. gentleman had observed, that timber of a superior quality might be had by those who chose to pay a higher price, and that there was therefore no compulsion on the purchaser. But it was a little too much to raise the price of the best article by means of import duties, and then tell the consumer that he was not obliged to buy the cheap and inferior one. The practical effect of these duties was to raise as much compulsion as could be introduced into commercial affairs.

Mr. *Keith Douglas* thought an intermediate scale of duties might have been adopted, so as to arrange the matter more equitably between the Baltic powers. It was most desirable that a competition should be established in all branches of the timber trade. One great objection to the proposed regulation was, that it would not come into operation for near two years. In a further stage of the bill, he should propose what he imagined would prove a more equitable principle.

Sir *W. De Crespigny* trusted the House would not forget how much was due to the interests of its colonial trade in any future arrangement.

Mr. *Gladstone* said, that as far as he was informed, the commercial interest generally approved of, and was satisfied with, the new arrangement. He thought it extremely unfair to describe the ship-owners as a class of men favoured and enriched at the expense of the community. A good deal had been said on the subject of competition between Russia and Norway, but any preference shown to the latter would operate not so much to the loss or detriment of Russia, as to the injury of our own revenue. Nine-tenths of the importations from Norway were in the shipping of that country, whilst the trade with Russia was carried on chiefly in our own. He must oppose the amendment, because he was satisfied that it would prove ineffectual.

Mr. *Bennet* remarked, that the interests of the ship-owners were directly opposed to those of the public, and whilst the former were engaged in adjusting or reconciling particular interests, it was not surprising that the consumer should be entirely overlooked. A few sound principles had been embodied in this report, apparently as a foil to the bad practice which it concluded with recommending. If the latter were now adopted, and a revision should be proposed three or four years hence, after a greater portion of capital was engaged and a greater number of interests should have become dependent on it, the answer would be, that a full opportunity had been afforded for consideration, and that, although country gentlemen had neglected their duty and left the question to be decided by merchants interested in it, it was too late to unsettle what had been then established. But he would put it to the House, whether it was right at any time, and more especially at a time like the present, to tax the community to the amount of 400,000*l.* a year for the advantage of the ship-owner? Indeed, the money might be rather said to be sunk and lost, expended as it was in defraying the charge of long and useless voyages. Without regard to the respective claims of Russia and Norway, why should the people of England be obliged to pay more for their deals out of compliment to a band of ship-owners? It was impossible to show that the public advantage was in any way promoted by such a regulation, or by the favour shown to Russia, or by the continuance of this Gothic system of policy. Lord Bacon had observed, with regard to

the law which prevailed in his time of importing no French wines except in English bottoms, that it sacrificed the consideration of profit to the consideration of power. But in the case now before them, profit was sacrificed with no other object than to enrich the ship-owners. If taxes must be raised, it was desirable to see them paid into the public treasury, and not to a few individuals for furnishing a worse commodity than might be had at a less expense. In addition to all these considerations, he must object to the proposed system, as conferring superior advantages on the canting, hypocritical, and blood-stained government of Russia.

The amendment was negatived; and the bill went through the committee.

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply, to which the Army Estimates were referred, lord Palmerston moved, "That 10,517*l.* be granted for the Allowances to the principal officers of certain Public Departments in Ireland."

Mr. *Hume* proposed, as an amendment, that the vote should be reduced to 7,000*l.* The medical staff of Ireland was even more expensive than that of England. Many of those officers too were not liable to serve abroad.

Lord *Palmerston* acknowledged that the higher order of these officers was not liable to serve abroad. He shortly hoped to introduce a further economical arrangement in this department, by consolidating the medical staff of Ireland with that of England.

Sir *H. Parnell* said, that the present system was excessively expensive, and that in many branches the offices on the Irish establishment were sinecures.

Mr. *Bennet* said, that if the House went on disregarding the petitions of the people, and voting such estimates as those now before it, such a House would no longer be a blessing but a curse to the country.

Lord *Palmerston* said, that no strain of inflammatory invective should prevent him from doing his best to reduce the military establishment, whenever such a reduction could be safely effected.

The committee divided: For the amendment, 45. Against it 99. Majority, 54. The resolution was then agreed to.

On the resolutions "That 27,824*l.* be granted for the medical service of the army,"

Colonel *Davies* said, that the medical expense of the army was greater now than in the time of war; and moved an amendment for reducing 5,000*l.* from the estimate.

Sir *R. Fergusson* called the attention of the committee to the ninth report of the military inquiry, wherein they recommended, that the patent place of apothecary-general, held by Mr. Garnier, should be discontinued, and the medicines for the army purchased at Apothecaries Hall. He expected some explanation on that subject as well as the botanical garden.

Lord *Palmerston* said, that the office of supplying the army with medicines had been held by Mr. Garnier up to his death. Two years ago Mr. Clarke who was deputy to Mr. Garnier was employed by government to buy medicines. He did buy the medicines from the merchants, from whom the Apothecaries' company bought them. He produced the medicines and his bills to the medical board, and the consequence was, that the Apothecaries' Hall lowered their prices to the public 15 per cent. Mr. Clarke was a most respectable and upright man.

Mr. *Hume* was surprised to hear that the reduction was so little as 15 per cent, when there was a fall in the price of all drugs of 50 per cent. He enumerated several items which required examination.

Mr. *W. Smith* asserted, that Mr. Garnier had in some cases charged 40 per cent more than the fair price of the drugs. He thought that a very considerable reduction might be made in the estimate, and that some postponement was necessary.

After some further discussion, the committee divided: For the postponement 59. Against it, 109. Majority against the amendment, 50. For the reduction, 58. Against it, 110. Majority, 52.

List of the Minority.

Allen, J. H.	Creevey, T.
Baring, A.	Crompton, S.
Barrett, S. M.	Davies, T. H.
Beaumont, T. P.	De Crespigny, sir W.
Benett, J.	Denison, W.
Bennet, hon. H. G.	Duncannon, visc.
Bernal, R.	Dundas, hon. T.
Birch, J.	Ellice, E.
Bright, H.	Fergusson, sir R. C.
Brougham, H.	Fitzroy, lord C.
Bury, visc.	Gordon, R.
Calcraft, J.	Graham, S.
Cavendish, C.	Grant, J. P.
Chaloner, R.	Haldimand, W.
Concannon, L.	Heathcote, G. J.

Hobhouse, J. C.	Ramsden, J. C.
Honeywood, W. P.	Ricardo, D.
Hume, J.	Rickford, W.
Hurst, R.	Robarts, A.
James, W.	Robarts, G.
Lambton, J. G.	Sefton, earl of
Lushington, S.	Smith, hon. R.
Maberly, W. S.	Smith, W.
Martin, J.	Smith, R.
Milton, visc.	Stuart, lord J.
Monck, J. B.	Tierney, rt. hon. G.
Noel, sir G.	Townshend, lord C.
Ossulston, lord	Whitmore, W. W.
Palmer, C. F.	Wilson, sir R.
Parnell, sir H.	Wood, alderman
Price, R.	Wyvill, M.

On the resolution, "That 170,000*l.* be granted for the charge of volunteer corps,"

Mr. *Bernal* said, he was not prepared, in the seventh year of peace, to vote for such an increase beyond the estimate of last year, unless a sufficient reason for employing these volunteers were shown.

Mr. *F. Palmer* asked, why the yeomanry cavalry was tripled within the last year in the county of Bedford? Was it to afford gratification to the personal vanity of some men, who would be pleased at seeing themselves in red clothes? or was it to increase the number of dependants on government?

Sir *W. De Crespigny* asked, why there had been a corps raised in the peaceable town of Southampton?

Mr. *Brougham* asked, why the peaceful vallies of Westmoreland were disturbed by the clang of arms? Was it to give the government the means of indulging their favourites with red coats and horses?

Mr. *Hume* asked, why the increase of the volunteers was so great since 1816? What was the consequence to the finance of the country? There had been 29,000 men, whose horses were not charged, and thereby the revenue was deprived of 90,000*l.* or 100,000*l.* The volunteers therefore cost England 270,000*l.*; nearly as much as the lottery brought in.

Lord *Palmerston* said, it was easy for members to talk of the seventh year of peace, but they should recollect that this was only in fact the first year of domestic peace. They should recollect that a part of this volunteer force was but lately engaged in active operations against bodies of their countrymen leagued against the tranquillity and the laws of the country. It was too much for the government to be accused of extravagance because they have successfully had recourse to this means of preserving the public peace.

Sir *Robert Wilson* conceived that ministers had set out on a wrong system, and had adopted measures, which, if persevered in, would render rebellion a duty. [Hear, hear.] Rebellion might not be an approved term—he would say resistance then.

Mr. *Hume* attributed all the disturbances which had taken place in Scotland to the malpractices of the emissaries of ministers, particularly the man Franklin, who was employed by parties connected with the government. The placard which had caused the people at Glasgow to rise was written in London, and carried down to Scotland. Had they not seen that man protected at Bow-street by the magistrates, and permitted to escape? What other conclusion could be drawn, but that this individual, to whom so many hundred pounds had been advanced, was in connexion with the government? He (Mr. Hume) had been made acquainted within this day or two with another most flagrant instance of the employment of these emissaries, which he should shortly expose to the public.

Mr. *Bathurst* said, it was impossible for any member of the administration to be silent when they heard acts of treason in Scotland charged as the act of his majesty's government. The hon. member had brought forward a charge for which there was not the slightest foundation. It was a gross calumny. It was too much, at the same time, for any reasonable person to credit. The members of government knew nothing of that man Franklin. The hon. member should abstain from making charges unless he could support them by proof.

Mr. *Hume* recapitulated the facts respecting the apprehension of Franklin, his liberation by the magistrates of Bow-street, and the refusal of the Home-office to issue a reward for his apprehension until eight days had elapsed, which gave him time to escape. He appealed to every man of common sense for the rational conclusion which such facts warranted, and asked if it was possible that lord Sidmouth's office should be unacquainted with Franklin, and his treasonable designs.

Mr. *Bathurst* observed, that all that the hon. gentleman had said amounted to mere suspicion: no charge of any thing

done; but a charge of non-action: of not offering rewards and not taking bail. There was no foundation for the charges so unwarrantably urged against government. Franklin was totally unknown to any responsible individual in the Home-office.

Lord *Milton* alluded to the part which Oliver had taken in stirring up the people to seditious acts, and asked, whether instructions had not been sent to the magistrates of the West Riding of Yorkshire not to apprehend him? This connection between the secretary of state and Oliver gave colour to other charges of a similar nature.

Mr. *Bathurst* said that Oliver was employed by government to ascertain the designs of the disaffected, and not to foment them.

The *Lord Advocate* said, he could vouch that the placard in question was written, printed, and published at Glasgow.

Mr. *J. P. Grant* said, that the lord advocate was never supposed to have any connexion whatever with this placard; but it did appear to him, and to all whom he had conversed with on the subject, that that placard was neither written nor printed in Scotland.

Mr. *Monteith* said, he could produce the names of the persons who wrote and the printers who printed the placard in question. He therefore thought the insinuation was most unfounded, and the House was never more abused than by the charge brought against the government.

Mr. *Brougham* denied that the hon. member for Aberdeen had made such a ridiculous charge against the government, as that of sending down placards with a view to spread disaffection in the manufacturing districts. His charge was, that they employed spies clumsily and incautiously, and with an anxiety for information, and that those spies did engage in the promotion of treasonable practices. He would admit that the connexion of Franklin with the government was not proved; but it led to violent suspicion when coupled with those of Oliver and Edwards, both of whom were connected with government. He did not say that government employed them to do as they had done, but that they shewed such an over anxiety for information as suggested to these persons the expediency of making work for themselves where they did not find it. The impunity of these was an encouragement to others to tread in the same steps.

Mr. *Wellesley Pole* entered into a defence of the administration, against the insinuations of the learned gentleman. If he intended to insinuate that they had employed such an infamous wretch as Franklin to act as he was accused of having acted, the insinuation was base, false, and foul. It was disingenuous in any man to say that he did not suspect the government, and yet endeavour to lead the country into a belief that he did. Such conduct was not candid or manly.

Mr. *Brougham* said, that as the committee had listened to the scandalous charges which the right hon. gentleman had dared to bring against him, he was sure they would permit him to reply.

Mr. F. Robinson rose amidst repeated calls of Chair! Chair! and several other members presented themselves at the same time. The Chairman intreated the Committee to apply themselves rather to allay the inflammation which had arisen from misunderstanding, than to excite it by any violence of their own.

Mr. *F. Robinson* declared that such was his motive in presenting himself, He was sure there was a misunderstanding as to certain expressions, which a moment of reflection would be sufficient to explain.

Mr. *Tierney* expressed himself to the same effect; and added his conviction that his learned friend would cease to feel the expressions as he had naturally felt them, when they came to be properly explained.

Mr. *W. Pole* said, he should be sorry to utter any thing in the warmth of debate which could hurt the feelings of any hon. member, and if he had done so he was not aware of it.

Mr. *Tierney* was sure the explanation would be considered sufficient; for if the right hon. gentleman was not aware of having made use of the expressions, he could not have intended to apply them offensively.

Mr. *Brougham* said, that no person could be more unwilling than he was to take up expressions captiously which had fallen in the heat of debate. He had no right to recur to those expressions after the explanation of the right hon. gentleman, and therefore he should only say that he was not a man who was capable of insinuating what he would not state in distinct terms.

The resolution was agreed to. The chairman then reported progress.

HOUSE OF LORDS.

Tuesday, April 17.

ROMAN CATHOLIC DISABILITY REMOVAL BILL.] The order of the day being read, for resuming the adjourned debate, on the motion, "That this bill be now read a second time,"

The Bishop of *St. David's* said:—my lords; though I am wholly unable to do justice either to the great importance of the subject before the House, or to my own convictions, yet I am unwilling to give the vote which I shall do this night against the second reading of the bill, without endeavouring at least to state the grounds of my objections to it. But, before I state those grounds, I wish to make a single observation on what fell from the noble earl, whose eloquent speech closed the debate of last night. The noble earl observed, that the constitution of this country is "essentially Protestant, but not exclusively so." My lords, the history of the constitution, if I mistake not, requires both terms. From the Constitutions of Clarendon downwards, its Protestant character was forming. It was forming by the variety of checks which were given to the intrusive authority of the pope by the laws of Edward 1st and 3rd, Richard 2nd and others. It was formed, and in great measure completed by the laws of Henry 8th. It was finally completed by the statute of the 30th of Charles 2nd. It was completed, my lords, by the active exclusion of the pope and his jurisdiction from the constitution. I object to the bill, because it appears to me contrary to the very end for which your lordships are here assembled. The writ of summons convened parliament expressly to consult for the defence of the church of England; super rebus quibusdem arduis defensionem regni Angliæ et Ecclesiæ Anglicanæ concerventibus. But the church of England never can be defended by giving political power to her greatest enemy, the church of Rome. I object to the bill, because it appears to me contrary to the oath which I took at the commencement of the present parliament. The bill recognizes the foreign jurisdiction, which I then swore does not exist, and ought not to exist within this realm. The oath expressed my real sentiments. I took it without the smallest mental reservation whatsoever; and at thetime I was resolved to fulfil the tenor of the oath. It seems to me therefore, if I were to vote for the bill, I should falsify my oath and my declaration. I object to the bill, because it appears to me contrary to one of the highest prerogatives of the Crown. The king is head of the church of England by common law, as well as by statute. But if this bill were to pass into a law, it would be a great encouragement to the papal power; that power which the Roman Catholics hold to be superior to the sovereignty of the realm. Every encouragement therefore, of the papal power is a diminution of the authority of the, Crown.—My lords, there are many other objections to the bill. I object to it because it appears to me a most pernicious anomaly to permit the members of a foreign church, and subjects of a foreign sovereign, to sit in either House of parliament without renouncing their foreign allegiance; and especially to legislate for the church of England, against which they are united by principles of conscientious hostility. I object to the bill, because it offers to the church of England false securities. It proposes, by way of security to the church, an oath to be taken by the Roman Catholic clergy, which no conscientious Roman Catholic clergyman can take, or can keep. It is contrary to their religion, or what they call their religion, to swear that they will enter into no communications with the pope for the disturbance or the overthrow of the church of England; their creeds and oaths, their preaching, writing, and ministering, having all a tendency directly or indirectly to the overthrow of the Protestant church, as every body knows, who knows any thing of the decrees of the council of Trent, and as we have been lately informed by a Roman Catholic Bishop, who stated it as his objection to the oath proposed by the bill. I object to the oath, because it is contrary to the act of union, by which the Protestant religion was declared to be inviolable. But this bill abrogates the securities which were intended to preserve it inviolate, and has provided no equivalent. My lords, the objections to the bill are endless. They may, perhaps, be described in a few words: its utter inconsistency even with the religion of that foreign church which it was intended to serve; its ruinous neglect of the church

of England which it ought to have taken care of; and the consequences which may be expected to follow from so great a change in our laws by the loss of many, perhaps indescribable properties, of the English constitution, which have given to this country its present transcendent power, dignity, and character in the world. My lords, the opponents of the bill are often called upon for a proof of the danger of admitting Roman Catholics into parliament and offices of state. Can there be greater danger than that of granting political power to persons, who, have views and interests foreign and hostile to the church of England—who tell you beforehand that it is contrary to their religion to swear that they will not employ that power for the overthrow of the established church; whose religion also may compel them to betray the counsels of the king.

The Duke of *York* rose, he said, with the utmost reluctance to oppose the second reading of the bill; but there were occasions on which it became an individual not to step aside, but to come forward and boldly avow the sentiments which he entertained. The present he considered to be one of those occasions; for, were not their lordships called upon to sanction a measure, which it was admitted, even by its advocates, would effect a great change in the constitution as established at the revolution of 1688, and in the system which had seated his majesty's family on the throne? When measures similar to the present had been proposed by a statesman, who had rendered the most eminent services to his country, his royal highness said, he had strenuously opposed them, on a thorough conviction of their dangerous tendency. The more he had since heard the subject discussed, the more he had been confirmed in the opinion which he had then expressed. He had always understood that the Church of England was an integral part of the constitution. Long might it remain so! But let not their lordships imagine that he was an enemy to toleration. He should always be happy that every sect should have the full exercise of its religion, as long as it did not affect the security of the established church, and as long as its members remained loyal subjects. But, there was a great difference between allowing the free exercise of religion and granting political power. As he felt himself inadequate to the task of entering into the details of the question, and wished not to detain those noble lords who were better qualified to take an expansive view of the subject, he should only repeat, that his opposition to the bill arose from principles which he had embraced ever since he had been able to judge for himself, and which he hoped he should cherish to the last day of his life.

The Earl of *Darnley* said, that no one could feel more respect than he did for the illustrious personage who had just sat down, but it was with regret that he heard the sentiments just uttered, though he was confident that they sprung from the purest conviction, and the most conscientious regard to truth and honour. He regretted to hear the deliberate opinion of the heir to the Crown delivered in opposition to such a measure as the present. He had himself for many years attended to the discussions on the subject, and his opinion had been formed by the same honest conviction for which he gave credit to the illustrious personage. The more he read, and heard, and saw, the more he was confirmed in the opinion which was diametrically opposite to that which had been just expressed. He had for the most part abstained from taking any share in the debates which had arisen upon the subject, leaving it to abler hands to advocate its merits; but the measure now came recommended by the Commons of England; the prejudices against it had in a great degree given way, both in this country and in Ireland, and he was anxious to avail himself of the present opportunity to state why he differed from the illustrious personage and the noble lords who supported the same side. He would confess that he was much surprised at the tone and manner in which the question had been taken up. He was surprised at the arguments of the noble earl (of Mansfield) who had spoken second in the debate of the preceding night. The speech was certainly a good speech with reference to other times—it was a good speech, but it ought to have been delivered a century and a half ago. The era to which it was adapted was that in which a noble lord was known to have declared, that he would not have in his establishment "a Popish man or a Popish woman—a Popish dog or a Popish cat." At that period the speech of the noble lord would have received due honour; but at this time of

day, after the Catholics had disclaimed upon oath the whole of the pernicious doctrines ascribed to them, it was too much to revive those refuted accusations. He was also much surprised to hear a right reverend prelate last night ascribe to them the doctrine, that no faith was to be kept with heretics. That imputation among the rest they had denied upon oath; and it was but justice that they should receive credit for the denial thus solemnly given. Christian charity believeth no evil. There were some noble lords for whose talents he entertained the greatest respect, who unfortunately differed from him upon this subject; but when he reflected on the constellation of talent by which he was borne out, he could not surrender his opinion to the opposite authority. When he remembered the names of Burke, of Fox, of Pitt, Windham, Sheridan, Dundas, and though last not least, of that illustrious patriot whose name would live for ever in the annals of Ireland, and who now reposed among the ashes of the distinguished dead in this country—he felt confident in the justice of his opinions. To turn from the dead to the living, he would refer to the right hon. member by whom the bill was introduced into the other House of Parliament, and by whose eloquence they were persuaded to adopt it. Mere accident could not account for this general agreement among such authorities; the laws of gravitation might as well be ascribed to accident. In his opinion the judgment of many of the opponents of the present measure, though individuals of great intellect, was warped by long continued prejudices and professional habits. This was the only way of accounting for that feeling of dread and alarm which many noble lords entertained of the bill. In his opinion no real cause of danger existed; but if it did, it was greatly exaggerated. There was a passage in Burke in which he said that a man might in his own mind, entertain a confused idea of danger; but if the grounds of his apprehension were clearly brought before the world, they would meet with nothing but scorn and derision. He believed that the apprehensions of danger from this measure were of the nature alluded to in this passage. What danger could be apprehended from the admission of the duke of Norfolk, the earl of Shrewsbury, and the representatives of four or five of the most ancient families in this kingdom to the enjoyment of their birthright, a seat in that House; for that would be the immediate effect of the passing of the bill? Would any man lay his hand on his heart and say that any danger to the Protestant church or the throne was likely to result from the admission of the Catholic peers into that House? The right of peers to sit in that House formed part of the constitution: it was coeval with Magna Charta and the institution of the trial by jury; and it was disgraceful to behold the duke of Norfolk year after year sitting above the bar, when he was entitled to walk into the body of the House. It had been stated by a noble marquis who spoke last night, that the opponents of the measure argued, as if it was a new privilege for which the friends of the measure were contending. But did they remember, that in the time of queen Elizabeth, when the Protestant religion was as anxiously protected as at present, that sovereign had not excluded Catholic peers from the House; and that it was not until the passing of the test and other acts, in the time of Charles 2nd that object was accomplished? Another ground of alarm with the opponents of the bill was, that it would lead to a Popish House of Commons. It was said, that a great majority of the Irish members would, in the first instance, be Catholics; but those who knew any thing of elections in the counties of Ireland, must be aware that they were of all things most unlike popular elections—that they were aristocratical more than any thing else. For his own part, the only consequence he could anticipate with respect to the county of Meath, with which he was more connected than with any other part of Ireland, was, that the son of lord Fingal might be returned instead of lord Bective, which would be no great misfortune; and his firm persuasion was, from what he knew of the country, that ten Catholic members would not be returned for Ireland. If, however, any attempt should be made to subvert the Protestant constitution, they could still retrace their steps, and prevent such fears from being realised. The next point insisted on was, that his majesty would be surrounded with Protestant councillors; but no Catholics could arrive at offices of high trust without the recommendation of Protestants in power, and if they discovered talents to authorise such a choice, he did not see what injury would result from it.

A reverend prelate had said, that the Catholics owed allegiance to a foreign power; but that they had denied upon oath. They had professed allegiance to his majesty alone, acknowledging him as their lawful sovereign, though not the head of their church. It was impossible to have better proof than this, except it was, the review of their conduct for a long series of years, which would establish their claim to be considered as loyal and faithful subjects. Another reverend prelate had expressed a hope that the question would be set at rest by a final rejection, and that it would never be brought forward again. He could not agree with the reverend prelate either in the wish or the opinion. It was impossible that this great measure of humanity and policy, of Christian charity and substantial justice, should not sooner, or later, be carried into effect; and he should sit down with the conviction in his mind, that if the Catholics continued to conduct themselves with the temper and moderation which they had lately observed, whatever the result of the present discussion might be, their success could not be long delayed.

The *Lord Chancellor* rose.* He apologised for taking so early an opportunity of expressing his sentiments. Upon a question so important, he could not be altogether silent; and he was unwilling to postpone asking for their lordships attention, till that period when fatigue might disable him from giving his own attention sufficiently to the subject of debate. The question upon which the House was to decide, was, whether the bill should be read a second time. He was ready to say that it ought to be read a second time if the House approved its principle, and if the imperfections in its enactments were such as, admitting of amendments and modifications, the bill amended and modified might, after all, in some sense be considered as a bill somewhat alike to that which the Commons had sent up. But, making this admission, he could not bring himself to consent to the second reading of this bill.

He had heard with regret the observations of the noble earl, with respect to his conduct, and that of another noble lord, when the first reading of this bill was proposed. Disrespect to the mover of this bill he altogether disclaimed. It was also a mistake on the part of the noble mover to suppose that the bill had been represented by him, or the other noble lord, as altogether unworthy of any consideration. What the bill had for its general object had been under consideration for nearly twenty years. What the particular provisions of this bill were, had, by rumour and report, and the votes upon the table, been so thoroughly understood before it was read a first time, that it was difficult to suppose, that in the progress of such a bill, if it was to proceed further, any new light could be thrown upon the subject of it. With respect to himself also, he trusted that he might stand in some measure excused for an early and prompt interposition against a measure, which, whilst it seemed to impose upon a lord chancellor, who under the bill might be the only lay-servant of the Crown in Great Britain necessarily a Protestant, the peculiar duty of watching over Protestant interests, appeared to him necessarily and obviously to bring all those interests into extreme peril. The noble earl who spoke last, had declared his conviction, that this measure, or one of the same character, must, sooner or later, be carried. It might be so: but he should, nevertheless, feel it to be his duty, as attached to civil liberty and to religious liberty (best protected by the Protestant establishment in this country, connecting its Church establishment with an enlightened and liberal toleration), to oppose the introduction and progress of every such measure as the present, through evil report and good report, as long as opposition to it could be offered. If the majority of the House should at any time finally determine that his opinions had been founded in error, he should at least enjoy the satisfaction, which would result from a conviction that he had not willingly erred, and that he had most anxiously endeavoured to avoid error.

He now came to the question,—Could they pass *this* bill? Was this bill fit to be adopted? Were the enactments of *this* bill such as the House could approve of? He thought he might assert that the House could not pass *this* bill. It was, however, he admitted, a different question, whether the House should read the bill a second time, and resolve itself into a committee, and in that committee, modify, alter, and amend it? To committing the bill he objected, not only be-

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cause he was averse to the principle of the bill, but because he could not admit that they were in a committee, under colour of modifying, amending and altering, to propose and enact (for such must be the case) some measure, in effect, entirely new: this he thought in all cases objectionable,—and, with reference to the present important subject, peculiarly objectionable, upon the principles upon which he had always voted against going into committees respecting it, before specific measures were proposed as those which were to be adopted. If it could be supposed that this bill, if the House went into a committee, could be reported upon, without very material variation, destroying, in a great measure, if he might so express himself, its identity, the Roman Catholic would know what he had to hope for, and the Protestant what he had to dread. But, in his judgment, any bill or measure, which could come out of a committee, must be altogether different from that which the House, if it read *this* bill a second time, would propose to commit; and therefore, the further proceeding on this bill appeared to him as objectionable as former motions, always rejected by this House, were, when, without the introduction of bills, the House was moved to form committees to consider generally what measures might be introduced;—motions, which, if adopted, would probably have raised expectations in the minds of the Roman Catholics, which could not be gratified, and have created alarms in the minds of the Protestants, which the legislature ought not to excite.

The noble lord, who spoke last, had enumerated the names of many illustrious men, existing in our time, though now no more, who had been advocates for some measures of emancipation, and, amongst others, the illustrious name of Pitt:—and the noble lord who has moved the second reading of the bill, has been pleased to represent those who have opposed these measures, as constantly changing their ground;—a change, which may, with much justice, be stated as clearly observable in the conduct of those, who have advocated the measures. No man living had had a more affectionate regard for Mr. Pitt, or ever held in higher veneration the virtues, the talents, and wisdom of that great man, whose name will be held in everlasting remembrance. In common with his country, he owed to that great statesman the highest obligations;—the debt of gratitude, which he individually owed to him was also large. He felt it, however, to be his unbending duty not to surrender his own opinions, unless he could be satisfied that that surrender could be safely made. If, after the Union with Ireland, that great man had been able to satisfy him that ample securities could be obtained for the Protestants, whilst concessions were made to the Roman Catholics, he would have seconded all his purposes respecting concessions. That securities were necessary Mr. Pitt had always admitted;—that they were necessary to secure the Protestant interest, and to quiet also the fears of the Protestant mind,—but it had never yet been stated, and he presumed, therefore, that no man had learnt from that great statesman—for his own part he never could learn—what securities were to be proposed,—and how the Roman Catholic mind was to be conciliated and the Protestant mind at the same time divested of its apprehensions. That great man now lay buried in the sepulchres of mortality. But there was spared to us and the country a noble baron (lord Grenville) sitting near him, a friend to concessions to the Roman Catholics,—he sincerely believed a friend to the established Church; a noble baron, to whom, notwithstanding all differences of opinions between them, he had ever looked up, and now regarded, with the highest respect and reverence, and who also, he had always understood, had considered securities as essential and necessary, if concessions were to be made.

We knew not now what securities it was the purpose of Mr. Pitt to require. We did know that, in the course of the many years which had now elapsed since what was called Roman Catholic emancipation had been contemplated, no man had yet found out what securities he could propose on the part of the Protestants, which the Roman Catholics would give, as the price of what they were to receive. And what was the state of matters now? That the House had before it a bill, proposing concessions almost unlimited; but with securities, the only securities, he presumed, which the wisdom of those who have introduced this bill, could, after meditation for twenty years, suggest, quite inefficacious, if enacted; which the Roman Catholics will not only withhold, but which they deem it matter of gross

insult to have had it proposed to them to give. The bill, in its preamble, represents the Protestant succession to the Crown, by the act for the further limitation of it, to be established *permanently* and *inviolably*: and the united Church of England and Ireland, and that of Scotland, to be severally established *permanently* and *inviolably*. That after due consideration—(when had, does not appear) of the situation, dispositions, and conduct of his majesty's Roman Catholic subjects (*i. e.* his majesty's subjects professing the Roman Catholic religion), it appears fitting to extend to them the enjoyment of the established constitution, thereby putting an end to religious jealousies, consolidating the union, and uniting and knitting together the hearts of *all* his majesty's subjects in one and the same interest. And then it recites that, by divers acts of parliament, the oaths of allegiance, supremacy, and abjuration, therein provided, are required to be taken for certain purposes therein mentioned.

It then states the terms of the oaths of supremacy,—that the Roman Catholics are ready to take the oaths of allegiance and abjuration, in common with his majesty's other subjects: but, that they entertain scruples, with respect to the oath of supremacy, inasmuch as they apprehend that the same might be construed to import a disclaimer of the spiritual authority, which they ascribe to the Pope or Church of Rome, in matters of religious belief. And then it enacts, that it shall be lawful for them in all cases, where the oath of supremacy is now by the law required to be taken as a qualification for the holding or enjoying any civil right, office, or franchise, in lieu and place thereof, to make, take, and subscribe, the oath therein following. This oath contains a declaration against foreign jurisdiction, "that in any manner conflicts or interferes with the duty of full and undivided allegiance, due to his majesty, from all his subjects, or with the civil duty and obedience, which is due to his courts ecclesiastical and civil, in all matters concerning the legal rights of his subjects, or any of them." The act then proceeds to repeal all the acts, requiring the declaration against transubstantiation, as relating solely to matters "of spiritual and religious belief, which do not in any wise affect or interfere with the allegiance or civil duty of his majesty's subjects." The act then contains a proviso, that it shall not alter the laws relative to the succession of the Crown in the Protestant line, or respecting the marriages of the royal family, or the Act of Uniformity. It then proceeds to enumerate excepted cases; to regulate presentations to churches; and to make it unlawful for Roman Catholics to advise as to offices or preferments in the Church of England and Ireland, or that of Scotland. It requires the persons holding the great seals of Great Britain and Ireland respectively, and the lord lieutenant and chief governor of Ireland, to be Protestants—disables Roman Catholics to vote at parish vestries—and provides in what courts the oaths of allegiance, abjuration, and the oath ordained by this statute, shall be taken.

Such were the provisions of the bill, or rather of that part of it which did not immediately apply to what was to be required of persons exercising ecclesiastical functions, professing the Roman Catholic religion, and to what was to be enacted as to bulls, dispensations, or other instruments coming from the See of Rome. With respect to such parts of the bill, as did so apply, little had been said in debate. Whether the Roman Catholics did or did not object to them, much of objection to them most reasonably might be urged; but probably the whole of this part of the bill had been found so unpalateable to the Roman Catholics, that little had been stated in debate respecting them—little but general expressions—or that they might be altered in the committee—with no very slight intimation that, at last, we might safely act as to the Protestant interests, without any securities at all to be given by the Roman Catholics. And here he stated that he was ready to admit that securities ought not to be required, if there was a well-founded opinion that concessions could be made without danger;—an opinion, to which he could not agree, and which, until this period, seemed not to have been avowed, if entertained, by any body.

In all the debates upon this subject, it had been considered as wandering out of our line of duty to consider these measures in what is called the religious view of them. Concession had, as to this, been too largely made. A right rev. prelate, in the preceding evening, had stated principles respecting the Church of Christ, upon which the legislature could

not act with respect to any church, which, as a church of this world, was an established Church. He had always felt that it was one of his first duties to maintain the established religion of the country. Fortunately for the country, it had adopted the purest system of Christian faith in its established religion; by connecting with the laws, which established its Church, laws securing a liberal and enlightened toleration, as to those who dissented from its Church, it had probably placed upon the best and surest foundations, the civil and religious liberties of all who lived in the kingdom. But they were told that all this was wrong; and that they should allow every body of Christians to take its chance in the world. He was of a different opinion. He should ever assert, that an established religion was a great benefit to a people—that the object of such an establishment was not to make the Church political, but to make the state religious. Such was his firm persuasion—a persuasion so strongly entertained, that he would much rather see a less pure system of Christian faith established, with a liberal and enlightened toleration of those who differed from it, under which toleration we who adhere to the doctrines of our present established Church might enjoy shelter and security without power, political power, than to see this country without any established Church. Such, he said, must also have been the sentiments of all those great men who had concurred in establishing, and in repeatedly refusing to shake, the provisions of the Corporation and Test acts, which, according to Blackstone, "secure both our civil and religious liberties:" among the latter of whom were to be numbered Mr. Pitt and others, who had at different times meditated and proposed the repeal of the laws respecting Roman Catholics.

It appears at first sight unaccountable how it should have happened that those who had brought forward the present measure, a measure which they had announced "as putting an end to all jealousies, as uniting and knitting together the hearts of all his majesty's subjects in one and the same interest," had not bestowed the benefit of one single enactment upon their Protestant dissenting brethren. When the constitution was settled at the time of the Revolution—a settlement now about to be shaken—the Church Establishment was secured: the Toleration act passed at the same time in favour of those Protestants who could not adhere to that Church Establishment—the members of both were thought to have contributed to the overthrow of Popery and tyranny. The present measure relieves the Roman Catholics from disabilities, from which it aims not, in any manner or degree, to relieve our Protestant brethren. Can this be right? Can the legislature think of doing this? No—nor can it be so intended. If you agree to this bill, those who bring it before you for adoption well know—cannot but know—that you must repeal—that you cannot refuse to repeal, the Corporation and Test acts of England. They know this—it behoves the House not to forget it, for the sake of the established Church. If it is fitting and just to communicate to the Roman Catholics, in the measure and extent proposed by this bill, "the benefits and advantages of the constitution and government happily established in this kingdom," according to the preamble, it must be equally fitting and just with respect to our Protestant brethren. It should not, however, be forgotten, that our constitution and government, as established, is a constitution and government, which does not consider political power, as one of "the benefits and advantages" to which all subjects are equally entitled.

As it is fashionable in this House, to refer to Blackstone as an author, their lordships might, in his works, find the grounds and principles, upon which the distinction, as to the grant of political power, or the withholding political power, rests; and the grounds, upon which, however friendly that writer was to the relaxation or abolition of the penal laws against Roman Catholics in given events, he holds that "whilst they acknowledge a foreign power superior to the sovereignty of this kingdom, they cannot complain, if the laws of the kingdom will not extend to them what it has done for Protestant dissenters, or complain, if the laws of the kingdom will not acknowledge them upon the footing of good subjects." A doctrine equally held by Selden, Locke, Clarendon, Somers, and others of the greatest name in our history. It is said, however, that they do not now acknowledge such a foreign power, or, at least, if they have heretofore acknowledged such a power, they will utterly, or, as far as reason can require of them, disavow all jurisdiction now, that is foreign,

if they, according to this proposed act, take the oaths of allegiance and abjuration, and the oath specified in the proposed act. And we are told that the Protestant succession to the Crown, and the Church of England and Ireland, and the Church of Scotland, are already, by the acts mentioned in this bill, permanently and inviolably secured:—an acknowledgment this, that they ought to be so secured; that they are by the effect of these acts permanently and inviolably established and secured, if the means and provisions adopted by these acts are continued in force permanently and inviolably, may be granted. But, if the means and provisions, ordained by these acts, are destroyed by your proposed legislation, and nothing is to remain of these acts but declarations that your constitution in Church and State is Protestant, you have nothing better than what has been called a paper or parchment constitution.

To ascertain the effect of what we are doing, it is necessary to see what we are undoing, and to trace, therefore, in some measure through our history, what the supremacy of the Crown, and the allegiance of the subject, mean. With respect to the oath of allegiance, this bill proposes no modification of it. There are many statutes respecting the oath of allegiance: but the common law not only recognises what is called virtual or implied allegiance, but also expressed allegiance —that is, allegiance expressed by oath— the common-law oath of fidelity and allegiance. Allegiance is undivided allegiance. The common law and the statute law look to undivided allegiance. The supremacy of the Crown is an indivisible supremacy; the allegiance due to the Crown is an indivisible allegiance. Passing over that long and eventful period of our history previous to the Reformation, in which the Crown and its subjects were so often involved in contests with the pope and the See of Rome, often working the degradation of the Crown and kingdom by abject submission, sometimes asserting in those struggles the honour of both, and exhibiting a display of the most ardent love of liberty;—it is from the commencement of the Reformation down to the present time that we must look more especially to the course of events, and the nature of our laws, with reference to the present rights, liberties, and duties of the Crown, and the subjects, in matters civil, ecclesiastical, and spiritual. It is, therefore unnecessary to trouble the House with the history of all that passed in this kingdom from about the time of Edward 3rd, and before, to the period of the Reformation, respecting Papal provisions of benefices, the purchasing of benefices, the appeals to Rome, pensions, Peterpence, dispensations, bills, rescripts, &c. and other Papal usurpations. The supremacy of the Crown had been most solemnly asserted and re-asserted by Henry 8th and Edward 6th. The acts passed in the reigns of those sovereigns it would be worthy of those whom he addressed, accurately to acquaint themselves with. Not that those acts were the foundations of the Crown's supremacy in ecclesiastical matters, or of this doctrine of the Church of England respecting it: they asserted a supremacy inherent in the Crown according to the constitution— they did not create it; and he was mistaken if we had not an Ecclesia Anglicana, with the king its supreme head, before the pope of Rome could be said to have endeavoured to obtain any footing in this island.

To determine what was the supremacy, which the pope did claim in this country it may be important to see what was the supremacy which was claimed for and on behalf of the pope. He wished their lordships to read the statute of the 1st Philip and Mary, cap. 8. Few had read it:—but a more humiliating, a more degrading, a more debasing national record, he believed, did not exist in the annals of the world. No man who would read it, could fail to feel alive and tremble lest we should ever again open a door for the entrance of that lion, which had nearly devoured us. Observe there, how many acts of parliament touching temporal rights are repealed, as contrary to the pope's supremacy acting *in ordine ad spiritualia;* and then let it be determined by the old rules of construction of statutes, by looking at others *in pari materiâ* —by the *contemporanea expositio;*—by seeing what was the mischief contemplated, and the remedy proposed—what was claimed by the pope as belonging to his supremacy—and what Elizabeth in her oath of supremacy, and James I. in his oath of obedience, meant to deny to the pope, and to assert as inherent in their crowns—Let it be so determined what the pope of Rome claimed, if represented as claiming only a spiritual supremacy. These are, what lord Hale calls,

the two eminent oaths of supremacy and obedience, observing, "that the ecclesiastical supremacy of the Crown is a most unquestionable right of it,—that the pope had made great usurpations upon it,—that the statutes rejoined and restored it to the Crown,—that the Papal incroachments, yea, even in matters civil, under the loose pretence *in ordine ad spiritualia*, had obtained a great strength, notwithstanding the security the Crown had by the oaths of fealty and allegiance. So that there was a necessity to unrivet these usurpations by substituting, by authority of parliament, a recognition by oath of the king's supremacy, as well in causes ecclesiastical as civil."

When parliament to the oath of allegiance added this oath of supremacy, there could be no necessity of further explaining the common law oath of allegiance: and if the present oath of supremacy remains unaltered, the oath of allegiance will require no alteration now. But, if allegiance means undivided allegiance to a sovereign supreme head in church and state, it might not perhaps be otherwise than open to much doubt, whether if, for the sake of Roman Catholics, the oath of supremacy is explained by statute, the oath of allegiance may not also require, for them, explanation. It seemed to him that Locke, writing on Toleration, thought, if his meaning was such as it may be supposed to have been, that the church of Rome could have no right even to be *tolerated* by the magistrate—"as constituted on such a bottom, that all those, who enter into it, deliver themselves up to the service and protection of another prince, who has power to persuade the members of his church to do whatever he lists, either as purely religious, or *in ordine ad spiritualia*." It is most singular that our oaths of supremacy were adopted for the express purpose of *unrivetting* those errors, which, notwithstanding our oaths of allegiance, had crept in, in consequence of the Roman Catholics deeming to be spiritual whatever they thought proper to consider as spiritual, and that it is proposed to us to reform the oath of supremacy by substituting another, which will leave it open to the Roman Catholic to introduce the very evils, which the oath of supremacy was intended to guard against.—In the votes on the table it appears that it was at first meditated to explain the oath of supremacy by references to queen Elizabeth's injunctions, to the statute of the fifth year of her reign, and to the 37th article of the church of England. Either he, or those, who thought of so construing the oath of supremacy, did not understand the English language. Neither the admonition, nor the statute, nor the article admitted of this,—an article, which expressly asserts that the bishop of Rome has no jurisdiction in this realm.

The preamble of this proposed act states scruples inasmuch as the Roman Catholics apprehend that "the oath of supremacy might in part import a disclaimer of the pope's spiritual authority in matters of religious belief;"—and what in matters of religious belief that authority might require from them has not been ascertained by inquiry here made, or information here given, and seems not to be very easily ascertainable. The proposed oath does not, however, assert that he has no other spiritual authority, "than in matters of religious belief:" but that he has not any "authority, which, in any manner, conflicts or interferes with the duty of full and undivided allegiance, which, by the laws of this realm, is due to his majesty, or with the civil duty and obedience which is due to his courts civil and ecclesiastical, in all matters concerning the legal rights of his subjects, or any of them." It is quite obvious that this leaves it entirely with the party taking the oath to determine for himself what does or does not so conflict or interfere with such allegiance, duty, and obedience. And of how many errors may the removal, or, as lord Hale expresses it, the *unrivetting* become the parent when the Roman Catholic shall (as he heretofore determined for himself what was spiritual —and what portion of spiritual obedience he could withhold, though he owed full and undivided allegiance)—when he shall determine hereafter for himself, what authority of the pope does or does not conflict or interfere with the duty of such full and undivided allegiance, and such civil duty and obedience, as is mentioned in this proposed act.

That it is peculiarly necessary to consider alterations of this kind in oaths with jealousy is a proposition, which experience might sanction. In the oath permitted by the Irish Act of the 13th and 14th of George III., the Irish Roman Catholic swears to maintain the succession of the Crown, not in the heirs of the body of the princess Sophia, *being Pro-*

testants, but in his majesty's royal family —and not in that family, *being Protestants*. If this oath was the oath regulating the conduct of the Irish Roman Catholic, its effects would be to be estimated, if there should be in that family, upon the demise of the Crown, an individual *not Protestant*. It at least demonstrates how carefully the effect of every word in a prescribed oath should be considered.

After the English Act for the relief of the Roman Catholics passed in 1791,—in 1793 that act passed in Ireland, from which a noble marquis last night read the oath which it prescribes. That noble lord observed that, after renouncing and repudiating certain principles and supposed articles of faith, and disavowing any intention to subvert the present church establishment, for the purpose of a Roman Catholic establishment in its stead, the concluding part of the oath was thus expressed:—" I do solemnly swear, that I will not exercise any privilege, to which I am or may become entitled, to disturb or weaken the Protestant religion and Protestant government in this kingdom." He now held in his hand a print of that act of parliament: he had also looked into the printed Statute book, and he found that the words were not " weaken *or* disturb," but " weaken *and* disturb;" and it was observable that the print of the statute, which he held in his hand, was peculiarly calculated to draw attention to this distinction,—the conjunctive *and* being printed in large characters, and made the subject of the following comment. The printer appears to be Mr. Coglan. The Irish Roman Catholic will probably have no difficulty in finding the commentator in a member of his own church. The comment is thus expressed:—" All are here agreed that, to violate the above clause, it is necessary to disturb and weaken not only the Protestant religion, but likewise the Protestant government. They are connected evidently by the conjunctive *and*, without any comma after religion. Both must be disturbed and weakened, not in any manner, but, precisely by the exercise of the privileges now granted. In other respects, we are in our former situation, as to preaching, teaching, writing, &c. Weaken after disturb appears rather an expletive than a word conveying a distinct meaning, for it is implied in disturb; as whoever intends to disturb, a fortiori, intends to weaken. Hence, the expression is generally understood, and so it has been explained by every one consulted on it, to weaken by disturbance. Indeed, if *or* was between the word disturb and the word weaken, as it was proposed to be, the signification would be changed and inadmissible." Surely this sort of reasoning upon the terms of an oath should teach us to use great caution when we are prescribing in what terms we shall require oaths of security to be taken.

In those two Irish statutes, and in the English statute of 1791, much, very much is prescribed in the oaths therein respectively required, of which no mention whatever is contained in the oath required by the proposed bill. But that is not all that is necessary to be pressed upon the attention of the House. If the Bill of 1813, introduced into the House of Commons, and which had nearly passed that House is looked into, it will be seen that in 1813, an oath as comprehensive was thought necessary to be taken by Roman Catholics to entitle them to relief, as the oaths required by the statutes of 1791 and 1793: nay, more comprehensive. The preamble of the proposed bill asserts, that parliament has had due consideration of this matter. Has that consideration enabled us to learn upon what grounds it was thought necessary in 1791 and in 1793, and even so lately as in 1813, to require in the securities of oaths so much more from the Roman Catholics than this bill proposes in that species of security to require? Has this been in any manner explained to the House? It might be material to know what number of Roman Catholics have taken the oaths prescribed by the statutes of 1791 and 1793. Upon a former occasion, we learnt that a very few had taken the oaths prescribed by these statutes of 1791 and 1793. Of those individuals of the Roman Catholics, who have taken the oaths prescribed by these statutes it might not be necessary now to require an oath in the same terms. But the House ought either to know why the proposed oath is so different from that, which was deemed necessary even in 1813, or to be informed how far the Roman Catholics have or have not taken the oaths prescribed by former statutes.

There is another very material observation to be made upon a comparison of the proposed bill and these former statutes of 1791 and 1793. If they are read, and their numerous provisoes attended to, many of those provisoes, it

must be admitted, were either unnecessary in those bills, or they ought to be inserted in this. Take, for example, one out of many; one, which what is said to be passing in the kingdom may make it not unfit to point out, viz. the proviso to prevent the founding of any monastic or religious order. Many other provisoes might be mentioned.

Another very extraordinary effect of this oath, which is proposed in a statute which is to unite the hearts of all his majesty's subjects, is—that no greater security by oath being heretofore required from his majesty's Protestant subjects, than from his subjects professing the Roman Catholic religion, the Protestant is now to be required to take a stronger oath in support of that which his conscience would lead him, without taking any oath, to support, than the Roman Catholic is to take, whose conscience might lead him, if not bound by oath to support it, to disturb or weaken it. The Protestant is to swear, that the foreign prince or prelate has no jurisdiction whatever. The Roman Catholic, that he has all the jurisdiction, which he, the Roman Catholic, thinks does not conflict or interfere with allegiance, civil duty, and obedience, as he understands them. Should this bill pass with the present form of oath, the same parliament would seem to require some of his subjects to swear, that no foreign prince or prelate has any jurisdiction in this country, and others of them to swear, that a foreign prelate has some jurisdiction in this country. The parliament either understands that such is the effect of the oath now to be proposed to the Roman Catholics, or what it understands is to others not altogether intelligible.

Without adverting more, as yet, to what is or is not to be the state of ecclesiastical persons professing the Roman Catholic religion, under what may be called the second part of this bill—originally another, or second bill—how would a Roman Catholic clergyman deal with such a case as the following? Two persons intermarry, being in a state of consanguinity such as does not prevent a marriage between them being valid according to our law—a consanguinity which is said, however, to form what is an *impedimentum dirimens*. Should a Roman Catholic ecclesiastic feel it to be his duty to refuse the sacrament to the parties, unless they voluntarily separate, it is to be supposed that he would act according to that duty. It has been understood that such would be his duty: he discharges that duty; and, by the exercise of it, induces the woman to separate herself from the person, according to our law, her husband. The husband, on the contrary, thinks proper to sue for a restitution of conjugal rights, and compels the wife to return. If such a case as this could happen, no reasoning, no casuistry, no distinction between what is temporal and what is ecclesiastical, between what is civil and what is spiritual, could lead a legislature or a state to the endurance of it, or entitle an ecclesiastic to claim the character of a good subject, or to assert that he was doing nothing which conflicted or interfered with allegiance, civil duty, and obedience, when he was using spiritual means in putting asunder those, who, according to the law of his country, were joined together.

To return to the period when, after what Hale calls *the revolutions* on the death of Henry the 8th, Edward the 6th, and Mary, revolutions in the struggles between regal and papal supremacy, queen Elizabeth asserted strongly the supremacy of the Crown, the rights of her subjects, and the independence of the national church. The progress of Protestantism and the Reformation had not at that period been such as to enable any sovereign to accomplish for the country what could only be gradually attained, as the necessity of further legislation became, from events, to be evident. It was found necessary from time to time between that period and the Revolution of 1688, and at the period of that Revolution, further to provide, then finally and effectually to provide, for the security of those great objects, between the maintenance of which, and the attempts to weaken and destroy them, the quiet and happiness of the country had been so often, in the mean time, disturbed. Passing over these unquiet times, let us advert to what was settled at the Revolution for the maintenance of a Protestant church and state, by enactments then ordained, and by reference made at that time to the statutes which had before passed in and subsequent to Elizabeth's reign, and the operation of some of which was then anxiously continued.

In the discussions upon such a bill as is now proposed, it cannot, too, be wholly without use to request the House to re-

member how anxiously during the reign of Charles the 2nd it was sought, on the one hand, to exclude a Popish successor from the throne; and how anxiously, on the other, the struggle was made, but in vain, to convince our ancestors that a Popish king might be so surrounded with counsellors, as to secure a Protestant church and government. It seems, according to modern notions, that both may be safe, if a king is Protestant, and his counsellors in and out of parliament are all Roman Catholics. The statute of the 5th Elizabeth, had required members of the House of Commons to take the oath of Supremacy, but not the members of this House. The Corporation act, 13th Charles 2nd chap. 1, "for the preservation of the public peace in church and state," had required persons admitted into corporations, to take the oaths of Allegiance and Supremacy, and the Sacrament. The statute of Uniformity had made large provisions for the securing of the Established Church, 13th and 14th Charles 2nd chap. 4. The Test act, 25th Charles 2nd chap. 2, "to prevent dangers which might happen from Popish recusants," had required all persons, peers as well as others, who should bear any office, civil or military, to take the oaths of Allegiance and Supremacy, and the Sacrament, according to the usage of the church of England: and parliament having recorded, "that all those laws had not the desired effect," by the act 30th Charles 2nd chap. 2, required peers, and members of the House of Commons, to take the oaths of Allegiance and Supremacy, and to make the declaration against transubstantiation, the necessity of making which by any body but the king is intended to be abrogated by this act.

James 2nd, the endeavours made to exclude him from the throne having failed, succeeded to the Crown, making his will the law of the land, and claiming that dispensing power, which those, who incline to adopt the act which we are now called upon to pass, seem disposed to commit to the lay and ecclesiastical commissioners, who are to be appointed under its authority. He rendered, as far as in him lay, the laws of the land inoperative; and in his conduct justified the assertion, that Popery and tyranny necessarily exist together; and convinced the nation that its liberties cannot be safe, if a Papist sits upon the throne. It had before—let that not be forgotten—been convinced that a king must have Protestant advisers only in parliament.

Advert, then, to what took place when James abdicated the government, and when William, acting with Protestant advice, became the glorious instrument, as the Bill of Rights expresses it, of delivering this kingdom from Popery and arbitrary power. The House can never look at the transactions of that memorable era, and degrade this great deliverer, and those who acted with him, as settling the liberties of the kingdom, not under the influence of a rational love and attachment to civil and religious freedom, which cannot co-exist with ecclesiastical tyranny, but under the effect of a panic, created by Titus Oates and his perjuries, and by Popish plots real or imaginary. The king and parliament solemnly continue the declaration against transubstantiation. They re-enact oaths of Allegiance and Supremacy, and impose upon the subject the duty of swearing that no foreign prince or prelate hath, or ought to have, any authority, ecclesiastical or spiritual, within this realm;—and this certainly means what, in other statutes is expressed by the word "any manner of authority." And here be it observed, that every member of this House has sworn that a foreign prelate "ought not to have any" authority. But in this act are not we, who have sworn that he ought not to have any authority, proposing to give him all that a Roman Catholic shall think does not conflict or interfere with his allegiance and obedience?—

They then established the Coronation oath, the object of which they declare to be the maintenance of "all the people in their spiritual and civil rights and properties." They require the king to swear, that he will, to the utmost of his power, maintain the Protestant reformed religion established by law. In the same session, they enact the law for exempting the Protestant Dissenters from penalties,—the act of Toleration, "as an effectual means of uniting the Protestant subjects in interest and affection," requiring from them, nevertheless, that they should take the oaths of Allegiance and Supremacy, and make the declaration against transubstantiation,—extending the benefits of toleration to Protestants,—not to Roman Catholics, to those, whose interests this proposed bill overlooks, and not to those, who, from this proposed bill, are to reap benefits and advantages, which the con-

stitution has hitherto denied to Dissenters. In the succeeding session, they pass the Bill of Rights; stating, that "by the assistance of evil councillors, judges, and ministers" (our Protestant king, it seems, is now to have Roman Catholic counsellors, judges, and ministers), king James endeavoured to subvert and extirpate, not merely the laws and liberties, but what they ranked in value and estimate as equal to, and necessarily connected with, the laws and liberties of the kingdom,—the Protestant religion,—by the various (his) acts there enumerated. They declare that the Lords spiritual and temporal, being Protestants, and Commons met, "in order to such an establishment, as that their religion, laws, and liberties, might not again be in danger of being subverted." What religion? The Protestant religion assuredly. They express their confidence that they shall be protected against all other attempts upon the same religion, laws, and liberties. They re-enact oaths of Allegiance and Supremacy. And, then prefacing the enactment with the memorable declaration, "that it has been found by experience that it is inconsistent with the safety and welfare of this 'Protestant kingdom' (a kingdom Protestant with Protestant religion), to be governed by a Popish prince;" they exclude such a prince from the Crown, and absolve the subjects of their allegiance to any such prince. And they require every person, coming to the throne, at his coronation, or coming to parliament, which shall first happen, to make the declaration against transubstantiation, which, in a former act, they had required the subjects to make, and which they considered as the only sure and certain test that a king or a subject was a Protestant. All which are then declared, enacted and established to be the law of this realm for ever.

True it is, that parliament cannot be absolutely bound by such an enactment for all generations:—but, when it is discussing whether such laws as these are to be considered as fundamental and essential, as making the state and the religion of the country fundamentally and essentially Protestant, and the kingdom itself a Protestant kingdom, no man can deny that they are—as far as in the nature of laws they can be, unalterable, *i. e.* that they are not to be altered without cogent necessity clearly shown; and that it is incumbent upon those who propose the changes now meditated, to make out the necessity of so much alteration in the nature of "an establishment, expressly formed in order that our religion, laws, and liberties, which had been subverted, might never again be in danger of being subverted."

The act for the further limitation of the Crown, 12 and 13 William III. states that, after the passing of the bill of rights, his majesty's subjects were *restored* to the full and free possession and enjoyment of their religion, laws, and liberties; and makes further provision for the succession of the Crown, in the Protestant line, for the happiness of the nation, and the security of its religion,—requiring every person, who comes to the possession of the Crown, to join in communion with the church of England, as by law established, and confirming all the laws for securing the established religion. At the Union with Scotland, both in England and Scotland respectively, it is made an "essential and fundamental" condition of the Union "in all time coming," that the Protestant religion in each should be "effectually and unalterably secured," and, with respect to that of England, that all acts for the establishment of the church thereof should remain and be in full force *for ever.*

The House has been told, that in Scotland they do not acknowledge, as we do in England, the supremacy of the king as the head of the national church: but it is most material to recollect that they have no intercourse with any foreign prince or prelate, as connected with their religion; that their established religion, the religion of the country—of the great mass of the people—is Protestant; and that Scotland is not, like Ireland, with a national religious establishment unalterably Protestant, and a great body of the community Roman Catholics and in constant intercourse with Rome. The established religion of England, and the established religion of Scotland, differing in some respects, though both Protestant, their established churches are perfectly distinct. The established church of Ireland, on the other hand, is part and parcel of the one established church of England and Ireland; a church affected in both its parts by what affects it in either of its parts; and that part of it, which is in Ireland, is opposed constantly by a religious body, to which there is nothing alike, in num-

ber or nature, in Scotland, which can enter into controversy with Scotland's established church.*

The fifth article of the act of Union with Ireland, unites into "one Protestant church the churches of England and Ireland," declares that the doctrine, worship, discipline, and the government of that church, are to remain in full force for ever, as now by law established. That the continuance of it as the established church, shall be deemed, and taken to be, an essential and fundamental part of the Union. And if the eighth article can be taken to affect this provision made by the fifth article, it can never be contended that it can be consistent with the intention of parliament to enact laws, endangering that part of the united church which exists in Ireland; and, through that medium, endangering the whole one Protestant church of the United Kingdom.

Not meaning to infer an intention to endanger the church from any thing which has been proposed to parliament since this Union, no man can deny that measures have been proposed, from time to time, which some well-disposed persons and some usually deemed well-judging persons have found it difficult to consider as not endangering the terms of that Union as to the established Protestant church, almost as soon as the Union was made. Let it be observed that acts of parliament regulate, according to the language of them, the discipline, worship, and government in the Protestant church. Will his majesty's subjects, professing the Roman Catholic religion, and, if this bill passes, summoned to both Houses of Parliament to consult concerning the affairs of the church, and therefore joining in acts relative to the discipline, worship, and government of the Protestant church, consent that the Protestant members of these Houses shall so legislate as to the like ecclesiastical matters affecting the Roman Catholic body. If the statutes of 1791

* In the Scotch Act recited in the 5th Queen Anne, c. 8, (the Act of Union) entitled, "An Act for settling the manner of electing the sixteen Peers and forty-five Members, to represent Scotland in the Parliament of Great Britain;" the Queen, with the advice and consent of the estates of parliament, ordains the manner in which the sixteen peers shall be named, and in which the forty-five members for shires and burghs, shall be chosen. And it is therein expressly declared, that none shall be capable to elect or to be elected, for any of the said estates, but such as are Protestant, excluding all Papists; and, by the Act of Union, this act is declared as valid as if the same had been one of the articles of Union, ratified and approved by the act; every clause, matter and thing in which articles, are, by the Act of Union, for ever ratified, approved, and confirmed.

The act of the 6th of queen Anne, for rendering the Union more complete, and providing that there should be only one privy council in Great Britain, made it necessary to make other provisions in the proceedings as to the election of members of the House of Commons, and the sixteen peers; but the acts making such provisions do not appear to alter the provision, that both electors and elected should be Protestants.

And the act of the 33rd George III. which, as to persons professing the Roman Catholic religion in Scotland, substitutes a new form of oath instead of the formula required by king William's statute, does not appear to affect this provision requiring as to parliament the electors and elected to be Protestants.

The proposed bill had no clause continuing to confine the right to elect and to be elected, to Protestants, with respect to the sixteen peers, and forty-five members of the House of Commons for Scotland.

Was it then intended to alter the articles of Union with Scotland in this respect, and with regard to one of their most fundamental provisions?

Or, was a special clause to be finally inserted in the bill, excepting those peers and members, and their electors, from the operation of this bill, and preserving the aid of Scotch Protestants, representing Scotland in the two Houses of Parliament, in support of the Protestant succession and government in the united kingdom of Great Britain and Ireland, when the doors of both Houses should be opened, as to England and Ireland, to peers and commoners professing the Roman Catholic religion?

Was it intended that a native of Scotland, not a peer, professing the Roman Catholic religion, might be a representative of an English county or city, but that he should not represent a Scotch shire or burgh?

and 1793 did not sufficiently relieve the Roman Catholics of the United Kingdom from pains and penalties, let them be so relieved. That is not the object of this bill; which is, to give them political power in almost as great a degree, and to as large an extent, as it can possibly be conferred. If there be any thing, not political power, which it may be proposed to enact for them, or any of them, neither is that the object of this bill.

This bill does not propose certainly to change the system established at the Revolution, so far as it ordained that the sovereign should be Protestant, by positive enactment. It does propose that that system shall be changed by such enactment, so as to admit Roman Catholics to offices of the highest trust, and with the exception of almost none. It certainly is not proposed by such enactment to discharge the Crown of its sworn duty to maintain the church of England, as by law established—and, true and strange it is, that it does not propose to repeal the Test act and Corporation act. But whether the bill has not a tendency to weaken the system, which requires the king to be Protestant—to weaken his power of effectually maintaining the Protestant church and religion, and the Protestant throne, and to lead unquestionably to the repeal of the Corporation and Test acts, is a question of great importance, and the solution of which is matter of no very great difficulty. Our ancestors thought there was no sufficient security if the sovereign professed the Roman Catholic religion, though his ministers, councillors, and parliaments were Protestant. Can it rationally be doubted that there is much less security for civil and religious freedom, if the king is Protestant, and his ministers, councillors, parliament, and judges, are Roman Catholics? The House is told, indeed, that there is ample security, if the lord chancellor must be Protestant; and it seems to have been thought that the actual security would be found in the fact that the Crown never would actually appoint those whom the act makes eligible, to those great offices. Those who know the state in which a Protestant chancellor would stand in a cabinet of Roman Catholic ministers, will readily believe that, if he had either sense or honesty, he neither would remain there, nor be permitted to remain there an hour. And look to the effect of rendering the Roman Catholics eligible to high offices, but not appointing them to such offices. This is insult towards them, more intolerable than ineligibility. But what would be the effect with reference to the king? Do the Roman Catholics now complain? Does the present state of the disqualifying statutes goad and irritate them? Make them eligible to office, and yet withhold office from them, what is this but acting most unworthily towards them? You are also directing their discontent, hitherto pointed at the laws of their country, against the king upon the throne; it being, too, your duty to render him an object of affection, as far as may be, with all his subjects; and, compelling him to continue Protestant, you are engaging, in a great degree, his conscience to deny to the Roman Catholics the benefits you pretend to enable him to confer upon them.

But it may be said, the king's confidential servants may be partly Protestant, partly Roman Catholic—that such was the case under queen Elizabeth, and other sovereigns. But what did her experience teach her as to this? And what did the experience of those who came after her teach? That experience led to the change of system which was completed at the Revolution. If the king's confidential servants ought not to be Roman Catholics, it is said, nevertheless, his privy councillors may be chosen from among them; provided only they abstain from advising the Crown as to benefices and offices in the Protestant church, and that Roman Catholics may safely be admitted into both Houses of Parliament.

With respect to privy councillors, it seems strange that, if their duties are to be changed, if they are to be restrained by this act from advising in the matters specially mentioned, it had not occurred, to alter, by enactment, the privy councillor's oath when administered to a Roman Catholic. It may be said that the law which required the oath, will qualify the oath; but it is a little difficult to admit the consistency of my submitting to a law to day, requiring me to withhold advice on some matters, and to take an oath tomorrow that I will faithfully give my opinion in all matters moved and debated. In the matter of oaths it is surely satisfactory and necessary to prevent the swearing in terms which are in apparent contradiction according to their obvious meaning, to what is really intended to be

sworn. The Roman Catholic privy councillor is not to advise the Crown in the disposal of any benefice or office in the Protestant church; but in how many matters of mighty import to the welfare of the community is he left at liberty to advise—and how many respecting even the welfare of that very church? and of much more consequence to its welfare than the disposal of a church preferment?

It has been said, and most reasonably, that if you admit Roman Catholics into parliament, you ought not to exclude them from the privy council: if you admit them into the great council of the nation, that you cannot well exclude them from among the number of those who are to act in inferior councils. In truth, this argument, which points out the extent to which you must go, if you admit Roman Catholics into parliament in a country, whose government and church are essentially and fundamentally Protestant, furnishes very weighty reasons why you should not admit them into parliament.

It has been urged that the repeal of the laws which prohibit Roman Catholics from sitting in either House of Parliament, would, in fact, make little change in the composition of parliament—that it would not introduce more than six or seven peers into the House of Lords, and very few commoners into the other House of Parliament. And it has also been urged that after giving the elective franchise to the Roman Catholics in Ireland, you are, almost of necessity, required to render them capable also of sitting in parliament. With respect to the House of Lords, that reasoning has been enforced by the fact that Roman Catholic peers did sit in that House until the 30th of Charles the 2nd, and that being very few in number, if they should now sit in that House, it cannot be very objectionable; and their pretensions to sit there have been strongly recommended in observations, unquestionably most just, upon the excellence of the characters of the modern Roman Catholic peers. In a question of this nature, the personal merits, however great, of particular individuals, must be laid out of consideration—it must be decided upon general principles. If Roman Catholics are unfit advisers of a Protestant king—in a Protestant state in the House of Commons—unfit there to counsel the king with respect to the worship, discipline, and government of a Protestant established church, they cannot be fit advisers to give counsel touching such matters in the other House of the Protestant parliament. Previous to the Revolution it was, if not from actual danger, upon principle, determined, that persons professing this religion should sit in neither of the Houses of Parliament.

This exclusion from both, the prince of Orange sanctioned, when as the Bill of Rights states the fact, he addressed his letters only to the Lords Spiritual and Temporal being Protestants. This exclusion king William sanctioned in the several acts which passed during his reign, which committed to the hands of Protestants, or continued in the hands of Protestants, all offices connected with the government of his "Protestant kingdom." If the government of this kingdom is fundamentally and essentially Protestant,—and Protestant it is fundamentally and essentially,—it is not, in just reasoning, matter of much consequence, whether the passing of this bill would or would not introduce many Roman Catholics into the House of Commons: but it is difficult to assent to what has been stated repeatedly in assertion, that the number introduced would be too small dangerously to influence the decisions of that House. What has been the effect of giving to the Roman Catholics in Ireland the elective franchise? It has operated, as lord Clare foretold in his able, prophetic, and constitutional speech. It may perhaps be reasonably asserted, that though as yet Roman Catholic representatives have not been sent to parliament, such has been the influence of Roman Catholic electors, that to that very act, which gave them the elective franchise it is owing, that the bill now under discussion has passed the House of Commons. He must have been a very inattentive observer of what passes in parliament, who has not remarked that a small band or knot of individuals, acting together upon system, constantly acting together, and watching for opportunities and moments favourable to their views and projects, may achieve great and important changes.

It must be further recollected, that, if this bill passes, the Test and Corporation acts must be repealed, and the members of Roman Catholic corporations entitled to send representatives to parliament, would not be likely, if they had an option, to choose Protestant members; and, considering the other means which

many Roman Catholics would have of obtaining seats in the Commons House, the calculation of the numbers of them that would become members, seems in argument to have been stated much too low.

It is of little consequence that this bill provides that nothing contained in it shall be construed to alter the laws for establishing the uniformity of public prayers, and administration of the Sacrament, in the uniting episcopal church of England and Ireland. How futile and inefficacious must such an enactment appear to us—when we are enacting by this bill itself—what seems to have a tendency to subvert all we have seen to have been declared by parliament *essential, fundamental, and to continue for ever!*

This bill excludes from the Ecclesiastical Courts of judicature the Roman Catholics; but it seeks to capacitate them to fill all the benches of the temporal courts, and the highest seats of judicature in such courts, with an exception only in the case of the lord chancellor,—an exception, not founded upon duties in his judicial character, but upon the nature of his other duties. Such, however, is the nature of our temporal and ecclesiastical laws, such the connexion between them, that the assertion may be ventured, that this object of the bill, as to this matter, is unattainable; and, indeed, unless mis-information has been given to the public as to what has passed somewhere, the answer which has been given to those who have objected to this provision of the bill has been, that nobody could conceive, that Roman Catholics would actually be appointed to the judicial seats in Westminster Hall. To enact by law that you may do what is, in fact, never intended to be done, does not seem to be very wise or conciliatory legislation. Suppose it enacted, and Westminster Hall crowded with Roman Catholic judges, and commissions of review of the sentences of the Ecclesiastical Courts to issue, to what class of men are they to be addressed in the place of those temporal Protestant judges, who now form so essential a part of the courts constituted by such commissions?

If Roman Catholics are not to be judges, it is said, that you ought to allow them to have silk gowns, that no policy can justify your prohibitions against their being distinguished by professional rank of this kind. Certainly, as the law stands, they cannot be appointed king's counsel, but there is no law to prevent their having the same rank bestowed in patents of precedence—such a patentee has no office, and takes no oath. Mr. Ponsonby's bill did not affect their situation because they had not the situation of office.

It appears then, from what passed at the Revolution, that our ancestors were satisfied that political power in any department of the state, in the hands of papists, was inconsistent with the maintenance of a Protestant establishment. Upon the principle that, in a Protestant kingdom political power should be placed in Protestant hands, the settlement then made, was made. Upon this principle, the settlement then made, has been continued from generation to generation,—and the wisdom of the principle is in itself sufficient to account for the adoption and maintenance of that settlement without reference to the dread of Popish plots, or apprehensions about Popish pretenders.

With respect to the repeal of the laws relative to the declaration against transubstantiation, the House may be referred to what has been before stated, and to its decision upon a similar project in a former session. This is said to relate solely to matters of spiritual and religious belief, not interfering with allegiance or civil duty. The object of it, however, was to ascertain effectually what persons did hold, or were thought to hold opinions interfering with allegiance properly understood. This provision was most industriously preserved at and since the Revolution as a most essential provision of law: not only the subjects, whether members of the church of England, Protestant Dissenters, or Quakers were required, but the sovereign was required to make this declaration—the sovereign to make it in the most solemn manner, upon the most solemn occasion;—from that era to this hour, from reign to reign, the declaration has been continued to be required. And the present king, upon his first entrance into this House as king, solemnly, on the throne, made this declaration. From all his successors, from none of his subjects, it seems to be the purpose of this bill hereafter to require it.

Let us now advert to the other parts of this bill—this bill of conciliation,—which, professing to unite and knit together the hearts of *all* his majesty's subjects, has unfortunately set them all together by the ears, to use a vulgar phrase. It has, however, been said that *you* are to legis-

late; *others*, satisfied or dissatisfied, are to take the measure. Be it so—but then, if all are dissatisfied, do not insult them by calling this a bill of conciliation!—by telling them that it is a bill knitting together all their hearts in interest, and love and charity one towards another,—do not remind them of the fact that a person, perceiving one man running after another with a cat of nine tails, and being asked what he was about, declared that he only wanted to make a volunteer of the person he was pursuing.

As to all the remaining parts of this bill, the first objection is, that the Protestant sees no sufficient security in its enactments, and, such as that security is, the Roman Catholic is utterly averse to granting it. But the bill is open in these parts of it to many observations. The House must be aware that this bill is composed of what originally appeared in two bills,—the former confined to the concessions, the latter to the securities. In the former bill, his majesty's Roman Catholic subjects were frequently mentioned as such, but no mention was made in that bill of "the Roman Catholic church within any part of the United Kingdom." The second bill, now forming the latter part of the proposed bill, provides the precautions to be taken in respect of persons in holy orders professing the Roman Catholic religion, who may, at any time hereafter, be elected, nominated, or appointed to the exercise or discharge of episcopal duties or functions in the Roman Catholic church, or to the duties or functions of a dean in the said church within any part of the United Kingdom. And the oath speaks of a Roman Catholic bishop or dean in the Roman Catholic church in the United Kingdom.

Surely, the House would expect, if it thinks proper to acknowledge in statutes a Roman Catholic church as a church in England, that this acknowledgement should have appeared in some other form. Surely the House, before it can pass such a law as this, speaking of bishops and deans in the Roman Catholic church, as a church acknowledged by English law, as existing in England, will expect to be somewhat better informed than it now is, how these bishops and deans are to be elected, nominated, or appointed to the exercise or discharge of their duties and functions. We have often heard of the Roman Catholic hierarchy in Ireland,—of its titular bishops of particular places in Ireland, its titular deans and chapters; and, if this bill passes, you will have two churches there ready formed,—the Protestant church, and the Roman Catholic church, with all its members ready to take their places. Whether the law of Ireland acknowledges the right of these functionaries to assume the titles of archbishops and bishops of Dublin, Armagh, and the other episcopal sees, the House may satisfy itself by inquiry. But, is it meant that in England we are to see a similar Roman Catholic hierarchy, with its titular archbishops and bishops of Canterbury, York, London, Durham, &c.; its titular deans and chapters, &c.? Can it be possible that the legislature can pass such a bill as this; and that too as a bill of peace and conciliation, without previously settling in some measure how and in what form the Roman Catholic religion is to be exercised in England? Can it be meant, that in England, you are to introduce all the inconveniences and mischiefs, which are experienced in Ireland, by the co-existence of the Protestant hierarchy and the Roman Catholic hierarchy? We do not hear in England of titular archbishops and bishops of places in England.—We admit the episcopal character resides in the Popish bishop; but our law has, at least heretofore, been supposed to prohibit their assuming titles connected with places in England as a misdemeanour. It seems, therefore, to be a great objection to the bill, if you think to give to the Roman Catholics political power, that you make no provision for the peaceable co-existence of the Protestant church and what is termed the Roman Catholic church in the united kingdom, but leave them to jostle against each other, as they may.

Look at the bills of 1791 and 1793;—see the provisions therein as to the exercise of the Roman Catholic religion; among others, even as to the form and structure of their places of worship, to preserve the predominancy of the Church of England. Has it been considered whether any similar provisions will be in force after this law passes? Or, are we to have a Roman Catholic cathedral vying in magnificence with our Protestant cathedral for the exercise of the Roman Catholic religion by its archbishops, its deans, and chapters? Is it meant there shall be this public display of a Roman Catholic church? A mode of worship,

when set up in opposition to the national worship, and when allowed to be exercised in peace, we have been told, "should be exercised with decency, gratitude, and humility."*

It is unnecessary to trouble the House much as to the enactments relative to the commissioners to be appointed in England and Ireland according to this bill. There has been abundant reason to know, that the Roman Catholic clergy of Ireland will not accept, as a boon, those enactments; —that they will not submit to that interposition of a veto by Protestant authority, which is conceded by other Catholics to temporal sovereigns. This is not the first time in which this sort of conciliation has been attempted, and in vain, and probably some in the House know what has passed in Ireland upon this subject in the course of the last week.

As to that part of the bill, which relates to bulls, dispensations, and other instruments from the see of Rome, in a country in which the exercise of a dispensing power cost a king his crown, this bill proposes in some instances to do what looks as if it authorised some commissioners, in others one commissioner, and that one an ecclesiastical commissioner professing the Roman Catholic religion, to dispense with the laws against receiving such instruments from Rome. How could it be expected, that the Roman Catholic clergy would admit the inspection of these instruments? We have heard that the present Pope has himself declared, that, neither in any intercourse with a Protestant or Roman Catholic power was the ecclesiastical power so subservient to the lay authorities, as to allow the rescripts or other instruments to be submitted to them. It well behoves the legislature to pause before it will give a legal sanction of any kind to foreign intercourse with Rome—if such are the sentiments of the Roman Catholic clergy and the Pope.

Without meaning to impute, and disavowing the intention to impute, to the Roman Catholics of this day some of the tenets, which some in former times were said to entertain, their opinions and those of their church are yet such, as make it seem to be altogether inconsistent in a government, settled as essentially Protestant, with a Protestant established church, to grant them political power. The churches of England and Ireland are now one united Protestant church. What endangers the one must endanger the other. If the concessions proposed to be granted by this bill are granted, and without securitie-, (and what securities that will be given has the wisdom of man yet devised?) is it possible to believe that the Irish Roman Catholics will make this bill of concessions a resting point? Demand has followed from time to time upon demand, and demand will follow from time to time upon demand, till nothing more can be asked, for till toleration of the Roman Catholics in Ireland gives way to Roman Catholic establishment, and Protestant establishment shall be succeeded by such a portion of toleration of Protestants, as the Roman Catholics may be disposed to allow them, it cannot be rationally expected that the Roman Catholics there will cease their struggles to supplant the Protestant church, if they did not disturb the settlement of property. In fact, the more sincere the Roman Catholics are in their religious belief the more strongly must they be impelled to weaken the Protestant church. The fears of those considerable men, who opposed the grant of the elective franchise in Ireland, were thought to be chimerical; but do they now appear to have been chimerical?

If this bill should pass, the next demand will be to repeal all the securities, which it enacts. And, indeed, rumour has told us that there have not been wanting those who have thought it expedient, on the part of the Roman Catholics, to let the bill pass, such as it is, notwithstanding all their objections to it; thereby establishing the concessions, and trusting confidently to the repeal, in another session, of the securities. It is said, that this bill, if passed, would be a bill of peace and conciliation. Is there not abundant reason to believe that it would in truth introduce confusion, and domestic discord, and eternal struggle for power? We know what has been the effect of our present establishment for many generations. What will be the effect of the proposed changes can at best be but matter of uncertain speculation and conjecture. The Lords and Commons were assembled at West-

* Is it meant that Roman Catholic judges upon their circuits, robed in their ermine, and surrrounded by their attendants, shall, before they proceed to the administration of justice, be conducted in the face of all the country to Roman Catholic places of worship, as they now are to Protestant churches.

minster, by the prince of Orange, "in order to such an establishment, that our religion, laws, and liberties might not again be in danger of being subverted." Is it possible to maintain that by such a total change of what was then established as is now meditated, they may not again be in danger of being subverted? Let us not disturb the happiness of the great mass of Protestants. Let us not mistake the present peaceable demeanor of the Protestant part of the community, produced by the influence of the confidence, with which they hope Parliament will not finally adopt them, for their assent to these measures, or an indifference about them.

The times, it is said, are changed, and the Catholics, it is said, are changed:—be it so; but such change does not affect the soundness of the principles, upon which this kingdom has established itself as a "Protestant kingdom," with the powers of the state in Protestant hands, and with a Protestant church establishment, and toleration,—toleration from time to time enlarged to the utmost extent the public welfare will admit; but toleration only,—for those who dissent from it. It may be that the Church of Rome itself has changed some of its tenets. Its Protestant advocates tell us so,—its Roman Catholic defenders deny it. But we are led not to doubt that the present pope has re-established the order of the Jesuits,—that the Inquisition was revived,—we have heard of bulls against Protestant societies distributing the Scriptures,—We have heard of transactions respecting bishops in Belgium. We hear of the establishment at Stonyhurst,—we hear of Jesuits there, though we are told the pope does not consent to their establishment in countries which are not willing to receive them; and we might ask where the person at the head of the Stonyhurst establishment now is, and for what purpose he is where he is said to be?

We have been told that in Ireland, where the Roman Catholic hierarchy exists, they have their synods and consistorial courts; and they are mis-represented, if they do not use their excommunications, and their refusals to give the sacrament, for purposes which it would be difficult to consider as of a purely spiritual nature, or to reconcile to the law of the land.

"Persecution for religious opinions," says Blackstone, "however ridiculous and absurd, is against sound policy and civil freedom. If men quarrel with the ecclesiastical establishment, the civil magistrate has nothing to do with it, unless their tenets or practice are such as threaten disturbance in the state. He is bound, however, to protect the established church, and if this can be better effected by admitting none but its genuine members to offices of trust, he is certainly at liberty so to do, the disposal of them being matters of discretion." Men of great name seem to have been influenced by a persuasion, that popery had necessarily a connexion with civil tyranny. Lord Clare held "canonical obedience to the pope, to be inconsistent with the duties of civil allegiance to a Protestant state." Let the words of lord Hardwicke be had in remembrance:—"It well deserves," he says, "the serious attention of the whole nation, of what important consequence it is, to preserve not only the name and outward form of the Protestant religion among us; but the real uniform belief and practice of it. Indifference to all religion prepares man for the external profession of any, and what may that not lead to? Give me leave," added he, speaking in the presence of the Lords and Commons, "give me leave to affirm before this great assembly, that, even abstracted from religious considerations, the Protestant religion ought to be held in the highest reverence, as the surest barrier of our civil constitution. Ecclesiastical usurpation seldom fails to end in civil tyranny, The present happy settlement of the Crown is, in truth, and not in name only, the Protestant succession;—and the inviolable preservation of that wise and fundamental law made since the Revolution, whereby every Papist is absolutely excluded from inheriting the Crown, will be a solid security to our posterity against all who shall watch for the destruction of our liberties." [Hear, hear!]

If the cries of "Hear, hear," mean to intimate that noble lords who are near, deem this as lord Hardwicke's declaration of opinion, that the happy settlement of the Crown, consisted only in excluding a Papist from the throne, and in no manner depended upon the Crown's being surrounded with Protestant councils, and that that exclusion alone, though the Crown should be surrounded in all departments of offices with Roman Catholic advisers (enemies to that Protestant reli-

gion, which is here said to be the surest barrier of our civil constitution) would be a solid security for our liberties, they impute to him a want of judgment, and contradictions in what he declares, altogether inconsistent with his great character. May the posterity of those noble lords find, in the preservation of our present laws, in those wise and fundamental laws, which require the throne, the government, and the church, to be unalterably and for ever Protestant, that solid security for their liberties, which they can never find in excluding a Papist from the throne, but surrounding a Protestant king with Popish advisers!

Lord *Grenville* said, that how reluctant soever he was, to intrude upon the House at any time, there was something in the present measure so closely connected with the transactions of his past life, and still more with the future prospects of his country, that he could not reconcile himself to be absent from this discussion, or being present to give a silent vote in behalf of a measure, the principle of which, on so many other occasions, he had so zealously and earnestly advocated. Much as he had considered the subject since the time when he had last the honour of addressing their lordships, he was but the more strengthened in his firm conviction, that there was no way in which it was possible for parliament to convey so great a benefit to the people of this united realm, as by giving effect to the principle of the proposition before them. In offering himself as the advocate of this bill, the importance of which it was impossible for zeal to exaggerate, his first duty was, to hail the altered character in which the proposal for the relief of their Catholic fellow-subjects was now presented to their lordships. It had formerly come before the House, crowned by the sanction of many eminent names, but now it came before them recommended by the weight of the other House of Parliament. It was not now a question as to the authority of individuals, however respectable; but, after a discussion carried on with a temper and calmness which to him were scarcely less gratifying than the result, the representatives of the Commons of the United Kingdom had determined that the happy moment had arrived for which even the noble lord on the woolsack allowed they ought to pant, when they might safely remove from the Catholics' those degrading disqualifications by which they were kept out of the pale of the constitution. Such a measure, tending to such a purpose, and brought before them in such a manner, he had never expected to see met by a discussion in which the question of the principle of the bill was evaded by verbal objections to its clauses. The learned lord on the woolsack had endeavoured, by pointing out inaccuracies in language, or some inconsistencies in the clauses, to induce their lordships not to read the bill a second time, which was a necessary preliminary to the committee in which those inaccuracies could be corrected, and those inconsistencies obviated. He had not thought that this was the mode in which the bill could have been met. If it could have been stated, indeed, by any man that it was not desirable to admit four millions of subjects into the pale of the constitution, it would have been right for the person who held such an opinion, to say at once, "I will not enter into the details. I will give my negative to the bill; or I will show by a contemptuous postponement, that it is not worthy of the consideration of the House." He was not disposed to say, that in a question involving the fate of one-fourth of the subjects of the British empire, in which on both sides there was so much feeling excited, the House might not on some grounds refuse to enter into the discussion; but he could affirm, that he had heard no arguments to show him on what principle, either of respect to the other House, or of wisdom to the empire, or of justice to those more particularly concerned, the House could refuse to enter fully, deliberately, and in detail into the consideration of the proposition before them. If he had agreed in every one of the arguments of the learned lord on the wool-sack, he should have come to directly an opposite conclusion from that to which they had led the learned lord; for if he had considered the bill ever so full of defects, he should have been anxious to carry it to a committee, where the objections to it might be discussed. He must, therefore, without any disrespect for the learned lord, take leave of his arguments.

He intended no disrespect to the learned lord; but he must say, that he thought it absolutely necessary, in discussing this measure, to depart from those grounds which the learned lord had laid

down, and to apply himself to what he considered a more enlarged view of the question. The question before the House was this:—There was, in this united kingdom, a difference in religious tenets; a difference between the religion of the state, and the religion professed by a portion of its subjects. In all that the learned lord had said on the subject of religious belief, in all he had advanced with respect to the importance of religion, in every point of view that could be imagined, on the prosperity and happiness of every nation, he for one, was perfectly prepared to agree. In all that the learned lord had uttered, respecting his attachment to the Protestant religion, as being, according to his conscientious feeling, the purest church in doctrine, and the best in discipline, that ever appeared in the Christian world, he entirely concurred. He admitted the superiority of the doctrines of that church, over what he considered, with the learned lord to be the gross errors of the church of Rome. No man could be impressed with a more deep and decided conviction of the truth of the grounds on which that belief was built, or of the firmness of the principles on which it rested. He was as anxious as the learned lord, or any other individual could be, to preserve the Protestant church in all its purity.—No person could feel more strongly the necessity of upholding the establishment under which that faith was administered to the subjects of this kingdom, and which form of ecclesiastical hierarchy he considered, as the learned lord had done, to be inseparably connected with the civil government of the country. On these points no man living held more decided opinions. And if the question were to be decided, whether it was possible to unite in one faith, and to rule under one ecclesiastical establishment, and that the ecclesiastical establishment of the Church of England, every heart and soul that owed allegiance and duty to the government of this realm —nothing could be more grateful to his mind—nothing could be more in unison with his feelings, than to assist in such an effort. But did reason teach their lordships that a moral revolution of this nature could be effected? Did experience give them any encouragement to hope it? And if not, would they waste, in ineffectual wishes for that which they knew to be unattainable, that time, that labour, and that exertion, which ought to be applied to the consideration of the means of rendering the difference which did unfortunately exist, and which it was not possible to remove, less susceptible of evil to the inhabitants of both parts of this united kingdom, than at this hour it was unhappily found to be? It was unhappily the policy of this country for a long course of years, to endeavour, by oppression, by severity, by confiscation, by punishment of every description, either to reduce or to annihilate the religious opinions that prevailed in Ireland; or at all events, to destroy any facilities that existed for disseminating them. To the success of that experiment he need not call the attention of their lordships. So far from accomplishing the intended purpose—so far from putting down opinions —no method could be more successfully employed by those who wished to produce a contrary effect than the method of oppression and persecution.

Their lordships had been told, and it was urged on them as a principal part of the argument by the learned lord, that they had two duties to perform on this subject. Both were stated, both were spoken of, as if they were nearly connected; and yet the two propositions were in direct and complete opposition to each other. In the situation of difficulty in which the interests of the empire were placed by the existence of civil disabilities and religious differences, the learned lord said, "Leave the matter on the footing on which it was placed by king William, as it was settled at the Revolution. Leave it fixed on that foundation; do not attempt to interfere with the principle then established, and which ought not to be departed from. No change, no alteration, no innovation, should be made on the system established by king William." But at the same time, and almost with the same breath, the learned lord told them, and it was also told them by others, that it is our duty to let the matter rest as it is. "We are now" said the learned lord, "in a happy and contented situation—there is no cause for change—take the thing as it now exists—fix your ground here, and let nothing induce you to depart from it." He would ask to which of these two systems did they mean to adhere? Because no man could be so ignorant—no man who had heard even one discussion on this subject, could be so forgetful—as not to know that the system of policy pursued towards the Catholics of Ireland

at the Revolution, and for eighty years afterwards, was totally, fundamentally, and diametrically opposite to that which had been pursued, and he would say, happily pursued, since that period. Those, therefore, who said, "Let us rest here," were diametrically opposed to such as boasted of what was called the system of king William: for they admitted, in terms, that, by the privileges which had been extended to the Catholics, the foundation of that system was shaken; and they rejoiced in that alteration; although it seemed to imply that the opinions of Locke and Somers were worth nothing on this subject, when they expressed their anxiety that it should continue. On the other hand, to those who wished to rest the subject on the grounds on which it stood in former times—who wished to revert to the old system, or who did not desire to ameliorate the present—he would say, that that system, of which a fragment only remained, was big with mischief. He thought it was a libel on the Revolution to charge that glorious period, or the great men who flourished at the time, with the concoction of such a system. He felt that it was a libel on the memory of king William to trace to him that system of cruel policy which had existed long before the reign of that great and illustrious monarch. He found it in operation when he ascended the throne, and the necessities of the times compelled him to continue it. But after his death it was aggravated and enforced; it was rendered infinitely more severe and intolerable to the unhappy people who were governed under it. From the reign of Elizabeth—so far back as that period—the first attempt was made to compel the Catholics of Ireland to submit themselves in all things relating to ecclesiastical, spiritual, and religious opinion, to the authority of the English government. A long succession of acts of parliament passed in Ireland, every one of which their lordships would find was calculated for the purpose of aggravating the severity of the system, which was not brought to its height, he blushed to say, in the reign of William, of Anne, or of George 1st. No; not until the reign of George 2nd did it arrive at its highest point. Their lordships had already heard, in detail, the horrors of that unjust system. They had been told how the property of Ireland was in the course of one century—and for the correctness of the statement he would refer to that document, with an extract from which the learned lord had concluded his speech—he meant the memorable and most eloquent speech of the late earl of Clare—in the course of one century, the amount of the land confiscated in Ireland, was 700,000 acres more than covered the whole surface of that kingdom. The whole of the land had been confiscated once, and many parts of it twice, and even three times over.

Thus was one portion of the system pursued. He would not ask, by what mutual aggressions, by what crimination and recrimination, so deplorable a system of feudal tyranny was introduced and continued. He sought not to take up the ashes of long-buried animosities — he would not take up their lordships time, nor outrage his own feelings, by opposing cruelties on one side to cruelties on the other. Robbery and massacre, and war, were carried on in a manner more barbarous than was ever heard of before in any place that bore the character of a Christian or civilized country. Every good man must deplore the scenes that were exhibited on both sides; and his detestation would be increased when he knew that the system did not end with the guilt which occasioned it, but that the remembrance of that guilt was made a pretext for its continuation. After the system of confiscation came a more legal mode of oppression — inquisition into titles; and, lastly, came a body of laws, directed to the avowed object of taking from the Catholics of Ireland the little remnant of property of which former spoliations had not bereft them. To provide for the safety of the Protestant church and of the Protestant establishment in Ireland, all means of possessing property, either inherited or acquired, were taken from the Catholic. He was effectually prevented from inheriting property, or from acquiring it, by his own labour, by the bequest of a friend, or by marriage. Laws might be made with a good intention, although they operated badly; and the man would confine his inquiry to a very narrow compass, who contented himself with considering the laws of a country, as they stood, without searching for the causes in which they originated, and what their effects had been. He therefore, would not point out to their lordships what the laws in question were; but what they were intended to produce, and what they

did produce. It was an essential feature of this case that their lordships could form no just idea of that system, in opposition to which they had been acting for the last forty years, and the last remnant of which they were now called upon to destroy, unless they traced it, not in the words of an enactment, but in the effects which it was intended to produce, and which it had succeeded in producing. To show their lordships the system in all its deformity, he would quote a passage from dean Swift, who detailed in one of his tracts what was the condition of "the Papists," as he called them, in his time. That individual was not pleading for them. He merely introduced their situation incidentally. The purpose of his argument was to prevent the parliament of Ireland from extending to dissenters certain privileges which had since been conferred on them. The doctor prophesied "that the greatest evils would be the consequence if ever Presbyterians were allowed to become judges, or were admitted to seats in the parliament of Ireland." But the measure he so much dreaded had been adopted for a long course of years in Ireland; and he challenged any man to say that any thing except good had resulted from that wise and liberal policy. But, in arguing the question, dean Swift had occasion to describe the condition of the Catholics; and, before he read the passage, he called on the House to bear in mind what the condition of the Catholics was, how it had been made so, and for what purpose the government had resorted to such measures. "We look on the Papists," said Swift, "to be altogether as inconsiderable as the women and children. Their lands are almost entirely taken from them, and they are rendered incapable of purchasing any more." Those persons descended from the hereditary owners of the soil, were, it seemed, almost entirely deprived of that soil which they had inherited from their ancestors; and though in their own country they were governed by laws which treated them as aliens, since they could not acquire any interest in the soil, supposing that they should, under any peculiar circumstances, become wealthy, still the right to purchase land was denied to them. "And," continued Swift, "for the little that remains, provision was made by the late act against popery." Provision for what? To carry away daily from the Catholic inhabitants of that country the little property that remained to them in the soil. This was stated, not as the effect of any incidental or extraneous cause, but as part of a settled system, for which provision was made by an act of parliament. "Some of the most considerable Catholics," said the Dean, "to prevent this, have already turned Protestants; and so, in all probability, will many more." What did they find here? Was the property of these people protected? Was provision made by their legislature for the increase of wealth and prosperity amongst them? Not the authors of this system, which had been pursued since the days of queen Elizabeth, until the first dawn of change to a more liberal policy appeared in the late reign, thought fit to provide, not for the safety of the subject, but that his property should be diminished and carried away. But they did not attack his property alone. Swift went on to say, "The Popish priests are all registered, and, without permission, which I hope will not be granted to them, they cannot stay in this country." The purpose, therefore, contemplated was, that those men, thus deprived of their property, should equally be deprived of the administration of that faith in which alone they lived. When the learned lord told them, and told them most truly, that the first essential provision to be made by those to whom the happiness of the community was intrusted, was the establishment and maintenance of religion among them, he would point to the system acted on at that period, the principle of which the learned lord recommended for adoption; that principle being to take from two millions of Christians the consolations of religion. Could any man suppose that such a passage could be written and printed in any country? Could he suppose that any human being would avow the doctrines it contained? And, above all, could it be credited that they were not only tolerated, but supported by this eminent individual? Not only was this system avowed and approved of by dean Swift, but it was absolutely acted on. The hope he expressed was turned into certainty. The register was not renewed; priests were not allowed to officiate under severe penalties; and in some cases it was made a capital crime to return to Ireland. No clergyman could be found in that unhappy country to administer the consolations of religion in that particular form in which alone the religious tenets of the people of that

country would allow them to be received. Of such a system he need scarcely say any thing more; but he would read one other passage, in which the dean expressed a grave hope that it would be instrumental to the great purpose of conversion. "The clergyman," said he, "will find, perhaps, no great difficulty in bringing over great numbers of Catholics to the Protestant church." It was, however, recollected, that many of those converts would be ignorant of the language of their pastors; but the solution of this difficulty was easy. It was provided by act of parliament, that if the convert did not understand English, and if the clergyman could not speak Irish, the service might be celebrated in Latin.

The noble lord proceeded, in a strain of impassioned eloquence, to reprobate this system, which, to use the words of Swift, was intended "to deprive the Catholics of leaders, of discipline, and of natural courage," by which means they would become mere hewers of wood and drawers of water, from whom no mischief could be apprehended. This was to reduce them to the situation of a body of helots, without any interest in the prosperity or happiness of their country. But vain and idle was the persecution of those who imagined that this system could extinguish the native courage of the people of Ireland. It had not that effect; but it led them to exercise that courage, not as they had recently done in supporting the glory of this country—no; they employed it in destroying the peace of that community, the blessings of which they were not permitted to enjoy. Instead of supposing that two millions of men, placed in this situation, were out of all capacity to do mischief, he would contend that they were out of all capacity to do good, and could only perform mischief. This was a lively and faithful picture of the effects of that system which was adopted long before the Revolution, which prevailed at the Revolution, and was enforced and acted on for eighty years afterwards, until that period arrived when, in the reign of his late majesty, liberality triumphed over intolerance. This description of the effects of that system was the more important, because he had heard no argument against the present measure which did not necessarily lead, if acted on, to the indispensable obligation of returning to the whole and every part of it; because, however horrible in its purpose, however base in its means, it formed one complete and regular machine, admirably calculated to produce what was intended — namely, to bring down to the lowest state of degradation and wretchedness those against whom it was directed.

The noble and learned lord had alluded to one particular act of king William, which he had not distinctly pointed out, but on which, he asserted, the safety of the constitution depended. But when he referred to the system of king William, as he termed it, he was bound to take the whole system. He had no right to select one statute from the black catalogue; and, if he took it as a whole, however it might be dressed up in mild and conciliatory terms, the result must be this—that it was produced because there was, in the principles of the Roman Catholic religion —that there was, in the faith professed by one-fourth of the subjects of the British empire—something that was incapable of suffering them to discharge with uprightness the duties of faithful and loyal subjects. If this were once admitted, to what conclusion did it lead? It inevitably led to this, that, doubtful as their success must be, they must unquestionably retrace their steps. A noble friend of his, who had moved the postponement of the bill, alluded on the preceding evening to an oriental tale, which described the circumstance of a fisherman having drawn up a jar from the sea, broke the seal which closed its mouth, out of which ascended a vapour that soon assumed a gigantic form, and to this giant he compared the Catholic body. But their lordships had not broken the seal: it was broken when the first privilege was granted in 1778. True, the giant appeared to be hourly gaining strength and influence, and he hoped would continue to increase in power: but when his noble friend had quoted this tale, he should have gone further; for he believed that the man who gave the giant liberty, by some happy contrivance induced him to return to his prison again. That was the task which the noble earl declared they ought now to perform; but would the Roman Catholic, after he had enjoyed power and privilege, be easily persuaded to return once more to his shackles and disabilities?

The noble lord then contended, that when, in 1793, large immunities were granted to the Catholic, those who had agreed to the extension of the privilege were not to blame because they had not

given them the last boon. It was just that a pause should take place before every thing was conceded to them; and it was also proper that the feelings, nay, the prejudices, of the Protestant community should be consulted. If it could have ever entered into his mind to think that the act of 1793 was intended by the framers of it to be final and conclusive, that it was to be subject to no revision under any modification of time or place or circumstance, that upon that point the question must remain and rest for ever, he should then say that, so far from concurring in the mode of that final adjustment, as fixed by the act of 1793, he thought it quite impossible there could be devised a more anomalous principle of adjustment, or one less calculated to conclude so mighty a question. Could it be possible to have devised a more unsound or less durable principle of conclusive settlement, than one which, while it conferred privileges on the ordinary classes of society, degraded the higher ranks, and excluded them from that station which would give them a natural influence over those who moved in an inferior rank of life, and consequently tend to the promotion of peace and good order amongst them? That the higher classes of the Catholics should alone be marked out of the whole body, as those to whom objections were to be finally and irrevocably taken; that they alone should be the permanent objects of exclusion, degradation, depression, and misery, was the most extraordinary proposition that had been ever started in legislation. To call it a final adjustment was monstrous, for as such it never could have been intended; the act was not, he repeated, so intended; it was a mediate, and not a conclusive proceeding on the part of the legislature of 1793. He never could admit that this line of separation, with reference to a capacity to fill office, had ever been recognized by the legislature, throughout the whole of these anomalous proscriptions. He knew not how to draw a line of separation between one class and another as to eligibility to power: he was at a loss to define from which class the privilege ought to be withheld, or to which it should be extended. To admit the practicability of such a distinction, was to countenance a direct and plain violation of the fundamental principle of the constitution.

It was said, that no alteration was called for which could be safely conceded, and that no disadvantage arose to the great bulk of the people of Ireland from the exclusions which still remained. That position he must deny. Would any man truly acquainted with the situation of Ireland say, that no disadvantage was felt by the people of that country, by the exclusion from rank and honours of the higher class of Catholics, and the consequent loss of that influence which by a different system they might possess over the other classes of their own body? To permit such a state of things to exist was not only the most inconvenient position in which such a question could be suffered to rest, but it was a direct and manifest violation of the whole principle of conciliation which had governed the relaxation of the old system—of that system which sought the attainment of security by oppressive enactments, but which, at length yielding to the dictates of reason and wisdom and justice, adopted a system of conciliation, and endeavoured to make men worthy of trust, by anticipating that they were worthy of what the legislature was ready to confer, and reposing that confidence which was alone calculated to beget confidence in return.—The learned lord had said, "What a mockery to hold out to Catholics the privy council and the judicial bench, when you do not mean they should be advanced to either!" His noble friend, the mover, had said no such thing, and it was most important on this occasion, that the Catholics should be really understood as dealt candidly with in the bill, and practically and fully entitled to all the eligibilities it opened to them. He would beg leave to re-state the argument of his noble friend; and it was one in which he entirely concurred. What he had said was this—that it was not to be believed that any man would be advanced to offices of such rank and trust, until, after a long course of public conduct, he had given the most entire proofs of his allegiance and duty as a subject, and shown by his acts and the uniform tenor of his conduct, that his belief in transubstantiation had no effect upon the faith and trust of his allegiance.

Having disposed, as he thought he had, of the argument, that the settlement of 1793 was intended to be final, he now called upon the House, in the spirit of that act, to come to the completion of the great work which they had had in progress during the last forty years, relaxing the severity of their code step by step

during that period, and at every step deriving greater advantage and peace and security by the relaxation. He could not urge too often, that the present bill was no new measure, but a continuance, to its final completion and accomplishment, of an ameliorated and wiser system of legislation—the erasure from their Statute-book of that disgraceful remnant of the penal code, which was still a blot and stain upon its page, and a stigma on the age which suffered its wanton continuance. Whatever were the fate of this bill, he implored their lordships not to reject it on the ground of the imputations which had been cast upon the tenets of the Catholics. It was no light thing that it should go forth to the Catholics on authority, great and venerable from its station, and respectful and powerful for the talents of the person exercising it, that the Catholic subjects of his majesty were necessarily incapacitated by their religion from paying a full and undivided allegiance to their sovereign. If there were time, he felt confident he could remove from the mind of his learned friend, what he had heard with great pain, the ground upon which he felt himself justified in casting such an imputation. The error arose from confounding two things in their nature so distinct that they ought never to be blended together. It was a confusion of the duties of unlimited obedience with those feelings of religious scruples which were never implied in the oath. A civil allegiance to a government was distinct from that obedience to the moral law or revealed will of God, the sense of which must be regulated by the conscientious feelings of the individual. It had no reference to the question of complete allegiance: the Protestants as well as the Catholics never included it in their sense of the oath. Nothing could be more unreasonable or unfair than to deny that the Catholic meant the fullest and most complete allegiance in the oath he was ready to subscribe. And upon what ground, therefore, were these men held forth as the objects of a disgraceful and degrading exclusion?—Not upon the ground of any opinions which they themselves hold or profess, but upon opinions which their opponents deduce as a consequence from what they say Catholics profess. So that it was not from their own principles, but from what their opponents deduced from those principles, that the reason for their exclusion was to be derived. He was astonished at any attempt to found an argument injurious to the Catholic upon his construction of an oath, after the years of experience they had had of the validity of such an obligation, and how consistent it was with the feelings and practice of a Catholic to be, at the same moment, a good and useful citizen in a Protestant state, and an adherent to the faith of his own religion.

Should he have the misfortune, however, of finding that their lordships differed from him upon the general principle of this bill, involving concessions to the Catholic body at large, still he should remind their lordships that there was a case connected with this subject of one particular body, who came before them as separate petitioners, to whose application he was utterly at a loss to conceive what argument in resistance could be offered. He had already mentioned that this measure came before them after the most deliberate recommendation of the Commons House of Parliament. That recommendation had not been sent up until after the most mature deliberation upon every part of the bill, and particularly upon that part of it which it was the peculiar province of the House of Commons to judge, as it referred to the composition of its own body. Upon that point, namely, the eligibility of Catholics to sit in the House of Commons, they who were the best qualified to form a just opinion had already pronounced. They had therefore told them in this bill that they were satisfied no danger, but on the contrary an advantage to all the institutions of the state, would result from admitting Catholics to an equal eligibility with Protestants to sit among the representatives of the people. The opinion of the House of Commons upon that point was necessarily entitled to great deference, and so would, he trusted, their lordships opinion upon the peculiar claim which he was now about to submit to them. He approached the subject, however, in a different manner, and for these reasons:—The House of Commons had deliberated upon the capacity of Catholic gentlemen to acquire a right of sitting in that branch of the legislature. But he was about to call upon the House of Lords to deliberate, not upon the propriety of extending any eligibility for seats among them, to a class of persons who had never occupied them; but to determine in the face of the world, whether it was necessary and just any longer to ex-

pose to a degrading exclusion six members of their own body—six Catholic peers, holding by the same title of birth and hereditary descent that any who now heard him did, and tracing it to (in some of their cases) a much higher antiquity, a right to sit amongst them in their legitimate capacity as peers of this empire. In the cases of these six or seven peers there could be no possible objection, whatever was the fate of the general provisions of the bill. They had shown every feeling of attachment to the constitution, which ought to invite confidence in their declarations. Upon their characters, high and honourable as they were, he should feel a disposition to dilate, did he not know, that living as they had lived among those whom he had the honour of now addressing, they had long since become known as well in character as in name, and had rendered any exposition of their principles unnecessary. As it would therefore be invidious for him to point to any one of those peers, all of whom must be so well known to many of their lordships, he should be inclined to ask any individual who was disposed to question the truth of the character, to select from the six or seven distinguished personages to whom he alluded, one name, to which by possibility suspicion had ever attached, or to state one reason entitled to the smallest attention, why any thing but honour, advantage, security, and credit could arise from admitting those Catholic peers to the enjoyment of their just and hereditary right of sitting in that House. The question of original right was here in existence—a right of which no man could be legally deprived without the showing of just cause. It was incumbent, therefore, upon those who opposed the rights of these peers, to show that their exclusion was founded upon the commission of some crime, or that they could not be now admitted without imminent danger to the state. With respect to their exclusion on account of any imputation of crime, it was impossible to sustain it by any reference to the acts of their ancestors, who had been excluded owing to the ever memorable and infamous perjury of the execrable Titus Oates. It was to the act of that atrocious wretch, and not to the pure time of the Revolution, that the exclusion of the Catholic peers was to be traced It was not to be imputed to the reign of William, but that of Charles—not to the best and most illustrious monarch who had ever swayed the British sceptre, but to the worst monarch that had ever degraded the British throne. Let not, then, the degradation of the Catholic peers be ascribed to the brightest era of the history of the country--an era upon which an Englishman could look back with pride and gratitude, but to one which could not be contemplated without contempt, disgust, and indignation. It would perhaps be well if an Englishman could strike out from the records of his country all traces of a reign so humiliating to his pride, if it were not of greater importance that they should remain, in order to teach public men the dreadful consequences of resorting to violent acts, which not only lead to the perpetration of crimes not contemplated by those whose acts had led to them, but which also armed one class of society against another in a scene of civil strife, where all the original evils inflicted were retaliated with tenfold force. This example should admonish legislators how they embarked in a system of legislation which was founded upon the vilification and calumny of their opponents. There were, however, two principal acts committed at the period of Titus Oates, to which their lordships House had been a party, and which had arisen from the incredible confidence they had shown a disposition to place in his infamous evidence. The first of the acts to which he alluded was the judicial murder of one of their own members, lord Stafford, who had been accused of a crime so absurd that no evidence could be brought which would justify a conviction upon such a charge. When, therefore, the opponents of the Catholics indulged in historical references to the cruelties which were inflicted under their rule at earlier periods, they should recollect with humiliation and self-reproach, what might be urged of still more atrocious acts in the much later period of Charles 2nd. In speaking of that atrocious period of Oates's plot, Mr. Fox had well observed, that it was difficult to say which had incurred the greatest disgrace—the prosecutors, the judges, or the witnesses. But it was not the single murder of a peer that had been inflicted by the dreadful delusion which then prevailed; it was on that monstrous evidence of Oates that the legislature further proceeded to act, and to disqualify the Catholic peers from sitting in parliament, by framing for them a disqualification which it was known at the time they could not pos-

sibly take. Not even the forms of justice were observed in this latter act. There was no trial, no conviction, no attainder; but the legislature, acting in conformity with the maddened fury of the moment, proceeded at once to act against the Catholic body, as if the imputations alleged against them had been fully proved and substantiated. The question, so far as the Catholic peers were concerned, was then simply this—whether that exclusion, so unjustly carried into effect against their ancestors, who were innocent, should still be maintained against their descendants, whose loyalty was unimpeached and unimpeachable? To continue such a degrading exclusion, so basely enacted at the outset, was, in fact, to participate in the guilt that had been incurred by the framers of it. The ancestors of these peers had committed no crime; their descendants had incurred no penalty. Why, then, were they to be proscribed as unworthy of their birthright? Why were they to be excluded from those seats which they had never disgraced? The humane policy of the country had been of late times prone to a reversal of attainders, where even the justice of the attaint had never been questioned; and yet here were six cases of continued exclusion where nothing but innocence could be traced through the long track of proscription. Here stood the excluded peers who complained of that unjust and unworthy exclusion: they stood before the peers of that House, their equals by birth, and claiming precisely upon the same right the enjoyment of their hereditary privileges. If, then, upon the ground of guilt, there could be no justification of this proscription, was there any reason of policy for adhering to it, on the supposition that the restoration of justice to the innocent could be attended with any imminent danger to the state? What! was the state to be endangered by the appearance in that House of the duke of Norfolk, in the enjoyment of his hereditary honours? Were the liberties of the country and the immunities the church to be endangered by the earl of Shrewsbury's taking his seat within the walls of that House? The danger was idle and visionary.

The noble lord then repeated several of his arguments, showing the injustice of the exclusion of Catholic peers, and the false grounds upon which it had been originally inflicted, and observed, that he hoped, when he urged this pregnant case of injustice to a few individuals of exalted rank, no man could imagine he meant to confine the measure of redress to the particular act of injustice borne by the Catholic nobility. He had no such intention; for the conviction of his mind was clear, that until substantial justice was done to the great body of the Catholics at large, the peace of the empire would not be effectually established. It was said, that this bill, so far from uniting the Catholic clergy and laity with the state, would only alarm those who now protested against ecclesiastical restrictions. He did not think that this would ultimately be the effect of such a measure, if all parties seriously desired to meet the adjustment with mutual candour aad fairness. Of this he was convinced, that a wise government and a prudent legislature might improve to its own advantage and the general benefit of the community a measure of conciliation like this. His noble and learned friend had said, that he could never learn either from him (lord Grenville) or the late Mr. Pitt, what were the securities which were intended to be provided for the established church, although the indispensable necessity of securities was on all hands admitted. To this observation he would reply, that he had never dissembled the necessity of adequate securities. If they went into a committee upon a bill like that before them, containing so much grace, concession, and conciliation, then they could maturely and deliberately weigh the whole subject of securities, and calmly provide them in such a manner as to secure for all parties what could be reasonably desired. If he were asked what securities ought to be given, he should reply, that the first and greatest security was to be derived from the government itself: the best security to any government was the care it took of the interests of the population; and the best bulwark of the established church was the soundness of its doctrine, the correctness of its discipline, and the learning and virtues of its ministers. If further securities were required, the next was to be found in the great object of the law itself, which was intended to identify in one common interest all classes and all religions. On the subject of the clergy, and ecclesiastical preferments, an attempt had been made to confound two things essentially different—the power of nomination and the power of exclusion. The distinction was too obvious to require any laboured

illustration, and the security against the abuse of the power of exclusion was to be found in the nature of the government, and in the exercise of that power by responsible ministers. But even this question of nomination and exclusion was now to be viewed in a light very different from that which was cast upon it some years ago. Not only was the situation of the clergy changed, but the pope himself, and the influence or authority he might possess, were not to be considered at all in the same manner as when he was under the absolute control of the public enemy of this country. Here again, he could see no ground for suspicion, when that was conceded which had been required, and given in all states whether Catholic or Protestant. After all, these were matters merely subordinate; and if this bill had come up to the House in the form of an absolute and unconditionnal gift of political privilege, he should have given it his concurrence without hesitation, because he thought the concession proper in itself, because it was a measure of wise justice and true policy, and because the benefits it would achieve (though improved by the securities) would be such as to warrant the passing of the bill without them. Beyond the particular enactments there remained this last and strongest security—that all the subjects of the Crown were firmly attached to the constitution in church and state, while the parliament had manifested in the clearest manner, the same absolute determination to support the Protestant ascendancy, the same invariable attachment to the constitution.

He should now draw to a close his observations on this question, by appealing to the House, and asking whether, in a candid, sober, and deliberate view of the whole subject, any man, in the present prospect and condition of affairs, could believe that the final accomplishment of this great measure would actually produce any considerable injury or danger? He asked this with confidence, for he did not think there was any individual, either in or out of parliament, who would prefer to a complete, general, and harmonious system, the present imperfect execution of the law, and partial division of the benefits of the constitution. From all who held that the hour was not yet come, that the times were not yet ripe, for this change, he begged, in the name of the dearest interests of the empire, to know what benefits they expected from delay; while he, in his turn, would remind them of the mischiefs that might be produced by postponement. He most earnestly impressed upon the House what had fallen from his noble friend (earl Grey) yesterday, when he asserted that the present was a most favourable opportunity for passing this bill. There never had been but one occasion more favourable, and that it was neglected, he should ever lament; and he feared that Ireland also would long have reason to regret. How different might her situation and that of her inhabitants now have been, had these political rights been conceded at the auspicious period of the union! That happy moment having been allowed to escape, what better opportunity was likely to be afforded than the present? Tranquillity had been restored to Europe: the aid of the Roman Catholics was not required for foreign wars or internal protection; and the bill might go forth as an act of grace and kindness, instead, perhaps, of owing its adoption hereafter to the compulsion of circumstances. Though the storm in Europe had been quelled for a time, who would say how soon a period of disturbance might not return? But, if this bill were passed, the country would be able to meet it with additional strength and new resources. It would attach the population of Ireland not only to the throne and monarchy, but to the person of the Protestant sovereign. Looking at the other side of the picture, the disadvantages of rejection were obvious. If, after the measure had received the sanction of the Commons, the cup were dashed from the thirsty lip, and fond expectation disappointed, who would say what discontents might not be the result? Who would say what would be the feelings of the Catholics against this House, composed as it was of laity and clergy, which alone had opposed an obstacle to their hopes? If the decision of that night were contrary to that which had been come to by the other branch of the legislature, it was obvious that it could not be final. Renewed and continual agitation must follow; and the bill might perhaps at last be forced upon parliament at a less happy moment and under more equivocal circumstances. He conjured their lordships, therefore, to pass the measure now, as by doing so, they would confer the most lasting benefit, not only on the Roman Catholics, but on the country at large.

The Earl of *Liverpool* said, he rose with reluctance, and the more so, because he had urged on former occasions all the topics it was possible for him to advance on the present. He was ready to admit, at the outset, that the question came before the House in a new shape: as the noble baron had remarked, it was not introduced on the recommendation of an individual peer, or by the exertions of a particular party; but it was recommended to peculiar regard as the opinion of the other branch of the legislature. On all accounts, therefore, it ought to receive a full, a temperate, and a candid discussion. It had been asked last night, and this night repeated, why in this new view of the subject, he did not agree that the bill should be read a second time and referred to a committee? He answered, that if he agreed in the general purview and object of the measure, though differing upon clauses and particular provisions, he should have consented to that farther step. He had no difficulty, however, in saying, that after the most thorough consideration—after looking carefully at the two parts of the bill, the one relating to concession and the other to security, he found in it scarcely three lines to which he could in any way give his consent. It was not a fair view of the question, to say that every man who was for curing certain anomalies, or who even thought that some farther concession might be made beyond what was given in 1793, ought to vote for the second reading. He felt that he could not honestly consent to that stage of the bill, as approving generally of the provisions, and then reduce in the committee a measure of this magnitude and extent to any thing so limited and insignificant. What was the bill? Stating it fairly, and upon the principles of its supporters, its object was to remove, with certain exceptions, all civil disabilities from persons professing the Roman Catholic religion. Those exceptions were three:—but if he thought merely that they were too few, he would vote for the second reading, because those exceptions came correctly within the province of a committee. Without prejudging the question whether certain minor points might or might not be granted, his opinion was this—that the great direct influence of the state in parliament, and in the privy council, ought to be kept where it was; and so thinking, the more honest and manly course was, to take his stand upon the principle of the bill, and not to disappoint expectation by suffering it to go into a committee.

The noble baron had commenced by a reference to the penal code, enacted at the beginning of the last century; and he must say, that he had the misfortune to differ upon this very question; and it arose from an entirely different view of the principle on which all the laws upon this subject seemed to rest. The noble baron seemed to consider the exclusion of Catholics as the remains of that penal code, and had endeavoured to place his learned friend on the woolsack, in a sort of dilemma regarding the precepts and examples of our ancestors. He (lord Liverpool) looked to the precepts and example of our ancestors only, where he could see that those precepts and that example were consistent with justice and sound policy. He felt that at this distance of time, and after all that had passed, he could not estimate the circumstances of the rebellion and the state of feeling it produced; and, without presuming, therefore, to give an opinion on what ought to have been done, he was ready with the noble baron to pronounce that code, in all its parts, one of the most nefarious, oppressive, and abominable systems that had ever disgraced any country. He denied, however, that the existing exclusion of Roman Catholics was any part of that code or was a relic of it. He could draw a clear distinction between the two principles, namely, the right of personal liberty, the right to property, and to the enjoyment and inheritance of property, and the right to political power. He allowed that those rights might run into each other, and be in some degree blended; but the principles were in themselves quite distinct. The question, whether Catholics ought, for any thing but positive crime, to be deprived of their personal liberties or property, and whether the consequences of the transgressions of the ancestor ought to extend to the successor, was altogether different from the question, whether they should be invested with political privileges and power. It was for the state to determine to whom political privileges and power should be given, and from whom they should be withheld; and that determination must always be governed by considerations of necessity and even of convenience. For this reason he held that the whole argument of the noble

baron derived from the penal code, was inapplicable to the question before the House.

He trusted that he came to the consideration of this great question with as few personal prejudices against those who professed the Catholic faith as any noble lord who heard him. Some individuals of that persuasion he had the pleasure of knowing; with others he had been in the habit of living on terms of intimacy: and he was convinced that in the body of Catholics were to be found as many honest, virtuous, conscientious, and useful men, as in any other sect of the community. It was not to be disputed that the House was bound by every duty to religion, good faith, and justice, to support the Protestant throne and the Protestant establishment; but he had no difficulty in saying, that if the policy of our ancestors at the period of the Revolution had been different, or if from some unforeseen contingency the Roman Catholic religion had been the established religion of Ireland, his firm belief was, that what might be called, for brevity's sake, foreign allegiance, would not have prevented the Catholics from being as beneficial supporters of the government as the members of any other establishment. A noble friend last night (the earl of Harrowby) had referred to the union with Scotland, where the Presbyterian religion was established. But surely it would not be argued, that that was the condition in which the Roman Catholic religion stood in Ireland. The situation of the king of Prussia with regard to Silesia, of the emperor of Russia with regard to Poland, or of the king of the Netherlands with regard to Belgium, was not at all analogous to the situation of this country with regard to Ireland; for in all those cases the Roman Catholic faith was the religion of the country. He admitted, therefore, that there was nothing absurd or inconsistent in the idea of an establishment with a monarch of a different persuasion. Such was not the state of Ireland—the short difference being, that Catholicism was not the establishment. Was it possible or probable, being what they are, that the Catholics, if they had the means, would not always look forward to the time when they could make the Roman Catholic the established religion? The question was, whether it was the duty of parliament to defend the established church from the danger that might arise to it, if the Roman Catholics obtained political power.

Before he proceeded to discuss the bill in its two important branches, he wished to call the attention of the House immediately to what he conceived ought to be the foundation of all considerations of this subject, and a departure from which he thought had been the origin of all the difficulties that had arisen in the discussion, and the source of many of the arguments in support of the bill. He here referred to the period of the Revolution, not merely because in his judgment there was then consummated what had proved essential to the peace and prosperity of the country—he meant the alliance between church and state. That he took to be the foundation of our constitution. He maintained that if the opinion of their lordships was, that there was by law, and ought to continue to be, that alliance between church and state, they could not adopt the bill upon the table; for the principle of it was to dissolve the connexion between church and state, and consequently to endanger the establishment. His opinion on this point had not been at all weakened by what had been said on the other side. And here he might particularly refer to what had been urged last night by a right reverend prelate, that the summons of every peer required his attendance in parliament to consider of affairs for the safety of the kingdom and church, so that his political functions were connected with the establishment in the very instrument that required him to exercise those functions. The noble baron had referred particularly to the works of a great authority, whom he never read without admiration, nor, he trusted, without improvement—he meant Mr. Burke; and it was not immaterial or uninstructive to direct the attention of the House to the letter written by him to sir Hercules Langriche, when the question of concession was limited to the elective franchise. There it would be seen that Mr. Burke urged the grant on the ground, that it was not necessary that it should lead to the acquisition of more extensive privileges, drawing a distinction between power directing and instrumental. Yet, a very short time afterwards, the very same distinguished orator became the advocate of a more extensive grant, in the face of his own previous doctrine. The first question, therefore, he would put was, if this bill, now on the table, was

passed into a law, could concession stop there? What security had he that it might not be extended to dissenters? that the Test and Corporation acts might not be repealed? for such seemed the inevitable result of acquiescing in what was now required. This would bring the country to an equality of political privileges; and Quakers, nay Jews, and every description of non-conformists, would be put on the same footing as members of the establishment—the doors of parliament and of the privy council would be open to all. The next step to be urged would be, that no man was bound to contribute to a church of which he was not a member. Dr. Priestley had avowed that the repeal of the Test and Corporation acts was his object; and after the Irish rebellion in 1798, the Catholics maintained precisely the same doctrine; Dr. Macnevin contending that no man ought to be compelled to pay to any but to his own clergyman. This doctrine had received support, at a later date, from a zealous Catholic, sir John Throckmorton, who published a pamphlet, in the course of which he anticipated the time when there would be a sort of common establishment between the Catholics and Protestants, and when they should alternately, and for stated periods, have the appointment to ecclesiastical benefices. He asked then, with confidence, whether any man believed that, by making these concessions, the Roman Catholics would continue satisfied? Was it not far more likely that they would pursue their great ulterior object? For there was not a Catholic who paid fees to his priest, and tithes to the church, who was not interested in procuring that Catholic establishment to which assuredly, this bill would lead. When people asked, "Do you really believe that the Catholics would subvert the established religion?" he answered, that undoubtedly he did believe that every zealous and sincere Catholic would make the attempt, because he must feel it his duty to do so. Nothing could be more incontrovertible on this point than the reasoning of Dr. Milner, who spoke the natural sentiments of a conscientious individual. He left the House to consider whether, when it had passed this bill, it had done all that would be demanded of its easy liberality. He contended that this would be only the first step of a system, and that parliament could not stand upon better ground of resistance hereafter than it occupied at present. Concession would increase demand; and it was far better to fight for the frontier than for the capital. At present the House held the vantage ground; and it could resist now with better success than when it might hereafter have to oppose the formation of a Catholic establishment, and to resist the claim that no man should pay tithes but to his own priest.

Such was the fair and practical view of the subject. A noble friend of his had last night referred to the history of the various laws upon the subject, from the Reformation to the Revolution; and it had been shown, that soon after the former of these two events the enactments had varied from year to year; so that it was difficult to state precisely on what footing the church establishment stood. The consequence of this uncertainty was, that in the earlier part of the seventeenth century it was overturned by the Puritans, and in the latter part of the same century again nearly destroyed by the Catholics. These great evils led to the subsequent provision at the Revolution, that the king must be a Protestant at the head of a Protestant establishment. A system was thus settled which had not since been disturbed, under which the nation had enjoyed the utmost prosperity and acquired the greatest glory, and which he hoped would never again be abandoned for a vacillating policy, that had twice so severely afflicted the country, with the execution of one sovereign and the abdication of another. The noble earl here took a brief view of the course pursued by James 2nd, to accomplish his project of a Catholic establishment, repeating, that to consent to any change was to resign the advantageous position in which the country now stood. He was decidedly of opinion, that if any alteration were now made, their lordships were only changing the ground of contest, and not changing it for the better; and he doubted much whether it would have the effect of harmonising the sentiments of those to whose relief it was more particularly directed. When toleration was first extended to the Roman Catholics of Ireland, forty-nine-fiftieths of the land were in the hands of the Protestants, though four-fifths of the population were Catholics; but at present, though the numbers of Catholics were nearly in the same proportion, yet the accession of property had greatly increased;

and the question now to be considered was, whether such property would not introduce into parliament such a number as would be capable of creating a contention, of the result of which no man could entertain an opinion.

After the fullest consideration of these bills, he had no hesitation in declaring, that he did not think them bottomed in sound policy; and that, though they set out with a declaration to maintain the established church and the Protestant succession, he was satisfied, if they should pass, that the principle of a Protestant succession could not be maintained in this country. If the presumptive heir to the throne should be of the Catholic religion, might he not say, "Am I to be the only man in the kingdom, with the exception of the lord chancellor, who is to be prohibited from worshipping his God according to the dictates of his conscience? You have the president of the council a Catholic, you have the secretary of state a Roman Catholic, and the judges of the King's-bench Roman Catholics; and I am not more hostile than they are to the support of the established church." What answer could be given, and what, on the other hand, would be the feeling of those of the same religion with the heir to the Crown, if a punishment were inflicted for that belief? What would be more dear to them than the placing of such a sovereign on the throne? The moment the House declared that there was no inconsistency between the Roman Catholic religion and political power, it by inference allowed that there was no inconsistency between the Roman Catholic religion and the Protestantism of the head of the state. He begged the House to look the question fairly in the face: let it neither conceal what the old law was, nor what the new law was intended to be; and let it not forget that the old law connected church and state, while the new law dissolved that union, and effected a total change in the constitution of the country.

The noble earl then came to an examination of the second part of the bill—the securities it afforded; observing, that if the bill passed, and the securities were refused or rejected by the Catholics, the country might hereafter be exposed to all the dangers of religious persecution. This bill, which was called a measure of grace and favour, how was it received—how was it looked at in Ireland? Was there more than one opinion respecting it among the clergy of that country? Their lordships were reduced by this measure to the extremity of attempting an impracticability: they were giving unlimited power to the Roman Catholics, and at the same time endeavouring to build up new securities against that power. The more he reflected on the subject, the more he was convinced that by this measure they were sapping the foundation of all the great establishments of the country, both church and state. It was said, that the dangers he had pointed out were visionary. They might be so; but if they were not provided against, who could say that the safety of the state was secured? The legislature had therefore done wisely in providing a general law for the security of the constitution; and from that law he could see no reason for departing. If, indeed, he could believe that this measure would do any practical good, and give satisfaction to the Catholics in general, he might then consider what practical risk he would undergo for the attainment of so desirable an object; but he could see no such effect likely to result from it. With the great mass of the population of Ireland he believed this measure would have no effect at all; and therefore to them he conceived it would be insignificant. A few respectable individuals might be gainers by it; but to the great body of the Catholic population it would produce no advantage whatever. He was therefore disposed to adhere to the fundamental law, which said, not only that the King should be Protestant, but that he should have a Protestant parliament, a Protestant council, and Protestant judges. Their lordships had a duty to perform to the Catholics of Ireland; and in discharge of that duty, ought to confer upon them any benefits which could be conferred without danger to the established church; but their lordships had also a duty to perform to the Protestants of Ireland and of the empire at large; and as he did not think the good that would be conferred upon the Catholics overweighed the evil which would be done to the Protestants, he should recommend to their lordships to keep every body of men in their proper places, to give them the advantages of the laws under which they were born, and not to take away those securities which had for so long a period preserved the constitution. These were his feelings upon this measure, and he should therefore vote against the bill.

The Marquis of *Lansdown* said, he desired it might be distinctly understood, that how gratifying soever it might be to his feelings to give his vote for the admission of any description of his majesty's subjects to those constitutional privileges and blessings which they had a right to enjoy, the ground on which he rested his support of the present bill was, not the advantage of the Roman Catholics, or of any description of men whatever; but the advantage of the state and the church, the strength and stability of which must depend on the unanimity of all the subjects of the realm. He was glad to hear it conceded by the noble earl who spoke last, that the period was gone by when attempts were to be made to exterminate the religion professed by a great portion of the subjects of this kingdom, and that their lordships were now arrived at that state of feeling, in which it only remained for them to consider whether they ought to admit the professors of that faith to the privileges enjoyed by other subjects. The noble earl had stated, that this measure of favour, even if extended, as proposed, to the Roman Catholics of Ireland, might prove a boon which after all would not be acceptable. What might be the result of some of the provisions of this bill he was not prepared distinctly to say; but this he would confidently state, that the main part of it would be received with gratitude by the great body of the Catholics. The noble earl had next stated, that the effect of the measure would not be so great or so beneficial as was expected. He knew not by what advocates the noble earl had heard it stated that Catholic emancipation in Ireland would have the immediate effect of quieting and dissipating all the discontent and dissatisfaction which a long continued system of misgovernment had created in that country: but he was still more at a loss to conceive where the noble earl had found that the privileges granted by this bill would not give satisfaction to the great body of the population, because the immediate benefits of it would be experienced by only a small number of individuals. Did the noble earl mean to say—and did the sentiment come with a good grace from him—that the privileges of the superior orders were not held for the public good? Were the privileges of their lordships held for their own sakes solely? Could it be reasonably supposed that the eligibility of the superior orders to offices of honour and distinction would not be gratifying to persons of inferior station? Such a supposition was contrary to human nature, and particularly contrary to the feelings of the Irish nation; and he was therefore well assured that the present measure could not fail to be productive, in time, of the most beneficial effects on the minds of the population of Ireland. They had been told by the learned lord on the woolsack, and after him by the noble earl, that the fundamental laws of the constitution would be affected by this bill; but let their lordships look at the Bill of Rights and the act of settlement, and they would see that neither of these was in the slightest manner affected by the present measure. None of the laws affected by this bill were fundamental: on that assertion he was willing to stake any credit that he might have with their lordships. The laws which it was proposed to alter were not a part of the constitution as established at the Revolution. They were laws enacted to protect the Protestant establishment from particular dangers, such as the infamous plot of Titus Oates. And here he might observe, that he had heard with astonishment that night for the first time in his life, and that too from the Speaker of their lordships' House, that their lordships were daily in the habit of praying for deliverance from the plot of Titus Oates. Were it not for the high authority from which this information had proceeded, he should have been led to believe that the plot from which their lordships prayed for deliverance was the gunpowder plot. But the learned lord had also inculcated, that it would be an outrage upon the memory of king William, as well as a vital attack upon the security of the constitution, to accede to the proposed repeal of the penal laws. Many of the professed admirers of the Revolution, of whom king William was the idol, were but too apt, as most persons devoted to an idol were, to attribute to that idol all their own prejudices and partialities. Hence some such persons ascribed to that great and glorious monarch, opinions, or rather prejudices, which he never entertained. But that king William never entertained such prejudice or intolerance as some of his sudden admirers ascribed, was obvious from a paper addressed on the part of his majesty to the congress at Ryswick, which paper was drawn up by lord Somers. In this paper king William stated, that he saw no ground why Catholics should not enjoy

complete toleration, or why they should not be admitted to offices of state, under a Protestant sovereign. But for the purpose of repelling the idea that the laws to which the bill referred were radical propositions, connected with the principles of the Revolution, as the learned lord on the woolsack and others had maintained; he quoted the Journals of that House to show that riders had been proposed to the 31st of Charles 2nd, and also to the act of William and Mary, to prevent the lords justices from giving the royal assent to any bill for the repeal of those acts, which riders had been negatived. A similar attempt was made at the union of Scotland, by proposing that the act for the security of the church might never be repealed, and it also was negatived. This showed in the most satisfactory manner that these laws had not been considered fundamental, as was contended by the learned lord. He had heard with regret from a right reverend prelate, that the Roman Catholics enjoyed already complete toleration. That right reverend prelate might have been expected, on the subject of toleration, to have referred to the authority of Dr. Paley. Had he done so, he would have found it stated by Dr. Paley, that the toleration of dissenters was only partial; that admission to offices was necessary to make it complete; and that, while that privilege was denied, there could not be said to be complete toleration. The noble earl had stated his apprehensions that great danger would arise to property in Ireland, if the disabilities were removed from the Catholics, since a great part of the property in that country was held under forfeited titles. It should be recollected, however, that a very great proportion of the property possessed by the Catholics in Ireland was under these forfeited titles; and therefore it was chimerical to expect that they should labour to set aside their own titles. He challenged the learned lord, or the noble earl, to adduce a single instance in which the Catholics had not shown themselves the promoters of the good fortunes of the country, and participators in its bad fortunes. To the tried fidelity of the Catholics the learned lord owed his seat at present on the woolsack, and the learned prelates their mitred dignity. But for the Catholic population of the kingdom, whose faith their lordships had laboured to exterminate, they would never have come with safety out of that struggle through which they had passed, and in the course of which, during a period of twenty years, there had been no instance of Catholic treason, Catholic cowardice, or Catholic infidelity. It had been said by an eminent divine that the Catholics had a leaning to arbitrary power, and the Presbyterians to republicanism. Both assertions were perhaps equally unfounded; and for a contradiction of one of them, he might appeal to the conduct of the peers of Scotland, who had sat in that House since the Union, of whom it could be said that the breath of calumny durst not accuse them of advocating republican principles. The other charge was sufficiently refuted by the constitution recently adopted in various Catholic countries. The truth was, that when the services of the Catholics were required, no suspicions were entertained of their loyalty, no danger was apprehended from their religion. When the mutiny took place at the Nore, Catholic priests had been gladly sent down to bring the seamen back to their duty. When the government had an object to gain, they were glad to rely on the fidelity of the Catholics, and to avail themselves of their services; but when that object was attained, they were treated as enemies, and told that their oaths were distrusted. Of all the provisions of this bill he attached the greatest importance to what some noble lords viewed with the greatest suspicion—the admission of Catholics to seats in parliament. Those persons took a narrow view of the functions of parliament who measured them by the votes it passed and the ordinances it enacted. He conceived that from the manner in which opinions were brought into conflict and examined in a legislative assembly, unanimity of sentiment was promoted, erroneous impressions corrected, and much public good resulted. Seeing that this was the effect produced on others, were they to suppose that Catholics were so constituted by nature as to be incapable of deriving the same advantage from the same cause, and of approximating in sentiment to those whose opinions they were in the habit of hearing? —Here he should have concluded, if allusion had not been made to the persons who composed the establishment at Stoneyhurst, in Lancashire. The existence of the order of Jesuits was unquestionably contrary to the law of this country; and into the propriety of that law it was not for him to inquire. This he was able to

state—that the Jesuits could not be established by the pope in any country, without the sanction of the government of that country, and the individuals of that order who were at present in England had received an intimation to this effect. The present bill, therefore, would not affect their situation in any respect. This measure would not give the Catholics power to disturb any sacred institution of the country: it was not the admission of one or two Catholics, whom a Protestant king might be pleased to call into the privy council, that could endanger the Protestant establishment. It was rather from a great population, discontented and irritated at being deprived of their constitutional rights, that danger was to be apprehended; and from that danger, he wished their lordships to guard themselves and the country, by reading this bill a second time.

Viscount *Sidmouth* began by observing, that it was with the most painful feelings he felt himself called upon to oppose the measure before the House. Nothing was more revolting to his mind than to declare it necessary to withhold from so large a portion of his fellow subjects, as the body of Roman Catholics, the privileges enjoyed by the other classes of the community. The measure came before their lordships now under different circumstances than on former occasions; for it had already obtained the sanction of one branch of the legislature. Could he believe that all the beneficial consequences would result from the measure which the noble marquis who spoke last, and other noble lords anticipated, he should consider it the greatest blessing ever conferred on the country by the wisdom of parliament. It had been said, that the bill would put an end to religious differences and cement the union of all classes of his majesty's subjects; but he was sorry to say that he thought no such effects would result from the passing of the bill. He objected to the first part of the bill on grounds which would be offensive to many of the most ardent supporters of the measure; he objected to it, not on the ground of individual distrust of the Roman Catholics, but because of the nature of the tenets and principles inherent in their religion. He objected to it for the reasons assigned by a noble earl; namely, that the Catholic religion was hostile to civil and religious liberty. He was ready to admit that many of the obnoxious tenets of the Catholic religion had been abandoned by its professors; but many also still remained, and particularly the doctrines of exclusive salvation and infallibility. The Catholic archbishop of Dublin, in a letter which he had addressed to the individuals under his immediate influence, had stated, that the church of Rome was infallible in its decisions, not only in points of faith, but also of morality. These doctrines were also embodied in the resolutions of the Roman Catholic clergy of Drogheda, and the professors of the college of Maynooth. It had been represented that a very inconsiderable number of Catholic members would be returned to the House of Commons; but he was at a loss to conceive upon what grounds this argument was founded. The constitution had declared that no foreign influence should exist in this country, but the effect of the bill would be to give spiritual authority to the head of the Roman Catholic church. In referring to the second part of the bill, the noble viscount was of opinion that the securities therein proposed were insufficient. With respect to the oath intended to be substituted for that which now legally existed, which if the bill passed would be taken by all members of parliament, and persons holding offices under the government, being Catholics, he maintained that it could not be subscribed consistently with the principles of the Catholic religion. He knew that this opinion was entertained by many most respectable individuals of that persuasion. There had been numerous meetings of the Roman Catholic ecclesiastics of Ireland, at all of which there had been but one unanimous feeling of hostility towards the clauses contained in the second part of the bill. Besides the meetings to which he alluded in different districts of Ireland, there had been a general meeting of the Roman Catholic clergy in the city of Dublin, at which, resolutions were unanimously passed against the clauses in the second part of the bill. He understood that a petition, founded on these resolutions, had been sent to the metroplis in order to be presented to that House, and he did not understand why that presentation had not taken place. No measure had ever been brought under the consideration of parliament which was calculated to produce more disunion among different classes of the community than the present bill. It had not only effected a division between the Catholics and the Protestants,

but had introduced disunion among the Catholics themselves. The noble viscount contended, that the great body of the Protestants in this country, as well as in Ireland, were decidedly averse to the measure, and concluded by calling upon their lordships to reject it if they wished to preserve the existing constitution.

Viscount *Melville* said, that under the very particular circumstances in which he was placed, he felt it to be his duty to state to their lordships the reasons which induced him to give his vote for the second reading of this bill. That vote he intended to give from a strong conviction of the utility and necessity of the measure. In giving his decided opinion that the bill should be read a second time, he had to regret that it was his misfortune to differ from many noble friends with whom he was usually in the habit of agreeing. Notwithstanding the ability with which the debate had been conducted, and the number of noble lords who had delivered their sentiments, he had not been so fortunate as to hear one main point sufficiently touched upon, to which, above all others, he thought their lordships' attention ought to be directed—he meant the consequences of rejecting the bill. They had heard a great deal of the danger, which he thought magnified—he would not say entirely visionary—of carrying this bill into effect; but little or nothing had been said of the danger which was to be expected if it should not be carried. Under any government, particularly under one like our own, the exclusion of a considerable proportion of the population from rights and privileges enjoyed by others must be attended with risk. The population of the colonies and of India, though under the same government, was placed in circumstances which rendered it necessary that a different rule should be applied. The population he referred to was one like that of which their lordships were a part, having the same kind of education and the same feelings as themselves, and engaged, as far as they would allow them to be engaged, in the service and the defence of the country. It had been said, that the passing of this bill would not make the population to which he had referred either better or worse. But if any people were told, that such as they were they must remain—that whatever talents, whatever industry they might exert, it was all in vain, for a boundary was put to their rank in society—surely it was not in human nature but that such language must produce irritation in a high degree. Surely their lordships must see that such a state of things could not be suffered much longer to exist without incurring considerable risk. They had been told that danger was to be apprehended from the insufficiency of the securities, should the bill pass. Perhaps there might be some ground for this observation; but the whole question resolved itself into a balance of dangers. Their lordships ought to be satisfied that the danger of passing the bill was paramount to every other, before they refused to give it a second reading. He was convinced that the danger on the other side was infinitely more formidable: that it existed and would exist until some remedy of the kind now under consideration should be applied. There the real danger was to be found; and he was of opinion that their lordships ought to remove the disabilities under which the Catholics laboured as speedily as possible. It had been argued that the admission of a few Catholic peers to that House, and some Catholic members in the House of Commons, would have the effect of making parliament act as if all the members were no longer Protestants. It was also argued that the admission of one or two Catholics to the privy council would have the effect of changing the whole institutions of the country. The entire of this reasoning he thought founded in fallacy, and was convinced that after the passing of this bill the two Houses of Parliament and the executive government would remain as before, essentially Protestant. With regard to the provisions of the bill, he was not one of those who thought that they might not be advantageously altered if their lordships agreed to go into a committee. He approved of most of the alterations suggested by the noble earl who moved the second reading. But there were other alterations he should propose, if the bill were committed, for the purpose of rendering it more applicable to Scotland, where the laws respecting Roman Catholics were not the same as in England. The opinions of that part of the united kingdom he was certain would form no obstacle to the execution of the present measure. Of the spirit of liberality which prevailed there on this subject, he could speak not only from particular information, but from facts which were public and equally accessible to all their lord-

ships. About seven years ago the general assembly of the church of Scotland had addressed a petition to that House on the subject of toleration, from which, though the Catholic disabilities were not expressly mentioned, it was evident that the assembly had no objection to their removal. On the contrary, the words of the petition implied the desire of that object; for the petitioners recommended to their lordships, in any measure they might adopt, to proceed with caution, and to take care to secure the constitutional establishments of both countries, and at the same time extend the privileges of the constitution to all the subjects of the united kingdom. The noble lord, after explaining the nature of the laws respecting Roman Catholics in Scotland, the reference to the subject in the Scotch claim of rights, and the articles of the union, again strongly urged the reading of the bill. He observed, that rapid improvement in education in Ireland increased the danger of withholding this conciliatory measure; for the more a people advanced in civilization, the more stongly they must feel the injustice of depriving them of their civil rights.

Lord *Ashburton*, in looking at the immunities enjoyed by Protestant dissenters, found it difficult to perceive why similar advantanges should be denied to the solicitations of the Catholics. It did appear to him that in its political qualities and effects the Catholic faith approached more nearly to the established religion of the country than did the Protestant sects so especially favoured. The Catholics certainly did acknowledge—just so far as they could acknowledge it without failure in their allegiance to their sovereign—a foreign spiritual supremacy; but what there was about foreign spiritual supremacy for people to be afraid of, he had yet to learn. The country, as he thought, might as reasonably suspect sir Humphrey Davy of treason, because he was a member of foreign scientific associations; or the illustrious duke opposite a dangerous man because he had received titles or orders of knighthood from foreign states. Those who doubted the loyalty of the Catholics had perhaps forgotten that Catholics in the reign of Charles 1st fought and fell for their king—for that king who was deposed and murdered by Protestant dissenters. Their lordships had been told that the grant of the requested rights would little benefit the great mass of Catholics; that very few individuals indeed would find their way into parliament. No matter how few did make their way, if all were qualified to make their way. He had no prospect of an earldom; he had done nothing to deserve such a title, nor had he any hope of receiving it; but still, if a bill were passed providing that no baron whose name began with the letter A should be capable of becoming an earl, it would give him serious uneasiness.

Lord *Somers* had no difficulty in voting for the second reading of the bill. Had his noble ancestor, to whom allusion had been made, been living, he would assuredly have been friendly to this measure. The circumstances of the country were changed, and what the greatest patriot might in a former age have thought necessary, was now no longer so. He did not apprehend any danger from the admission of a few Catholics into the House of Commons. That House was intended to represent all the interests of the country; but as things now stood, that intention was not carried into effect. The admission of a few Catholics would repair the deficiency, and cause another interest which had hitherto enjoyed no representation, to be duly represented. He had no doubt that if the measure passed, and if the Catholics at any future period had an opportunity of establishing their own religion, they would avail themselves of it; and so would the dissenters, of whatever class or description. There was, however, no prospect of the occurrence of any such opportunity; and the apprehension of that which might be treated almost as an impossibility would not justify the House in refusing a course of justice and of conciliation.

The House then divided:

Contents	Present - -	72	120
	Proxies - -	48	
Not-Contents	Present - -	90	159
	Proxies - -	69	

Majority against the second reading of the bill. 39

List of the Contents and also of the Not Contents.

CONTENTS.—*Present.*

Duke of Sussex	Grafton
Lord President	Argyll
Harrowby	Leinster
Dukes Devonshire	Marq. Buckingham

Lansdown
Headfort
Camden
Anglesea
Conyngham
Earls Thanet
Jersey
Elgin
Cassilis
Galloway
Stair
Roseberry
Aberdeen
Cowper
Harrington
Warwick
Fitzwilliam
De la Warr
Spencer
Fortescue
Carnarvon
Charlemont
Darnley
Besborough
Donoughmore
Belmore
Limerick
Rosslyn
Grey
Minto
Morley
St. Germains
Blesington.
Viscounts Torrington
Melville
Granville
Duncan
Hood
Bishop Norwich
Lords Clinton
Dacre
Saye and Sele
Howard of Effingham
Howard of Walden
Colville
King
Grantham
Holland
Hawke
Foley
Ashburton
Somers
Amherst
Grenville
Auckland
Dundas
Calthorpe
De Dunstanville
Wellesley
Lilford
Abercrombie
Lauderdale
Crewe
Ellenborough
Hill

Proxies.

Duke Somerset
Bedford
Marq. Stafford
Bute
Queensberry
Earls Mulgrave
Breadalbane
Lynedoch
Hillsborough
Yarborough
Sondes
Essex
Mendip
Monteagle
Carysfort
Ducie
Carlisle
Hardwicke
Granard
Keith
Anson
Belhaven
Glastonbury
Tweedale
Earls Hutchinson
Melbourne
Berwick
Clancarty
Sherborne
Dartmouth
Mount Cashel
Kingston
Cawdor
Darlington
Oxford
Grosvenor
Gwydir
Bolingbroke
Braybrooke
Suffolk
Albemarle
Waldegrave
Alvanley
Hereford
Derby
Carrington
Lord Erskine
Bishop of Rochester

Not-Contents.—*Present.*

Duke of York
Archb. Canterbury
Lord Chancellor
Archb. York
Earl Westmoreland (L. P. S.)
Dukes Beaufort
Newcastle
Northumberland
Wellington
Marq. Winchester
Lothian
Cornwallis
Northampton
Donegal
Earl Pembroke
Bridgewater
Winchelsea
Cardigan
Shaftesbury
Kinnoul
Glasgow
Plymouth
Coventry
Macclesfield
Pomfret
Harcourt
Bathurst
Aylesbury
Chatham
Abergavenny
Mount Edgecumbe
Digby
Mansfield
Liverpool
Mayo
Enniskillen
O'Neill
Romney
Powis
Chichester
Lonsdale
Cathcart
Verulam
Whitworth
Brownlow
Longford
Abingdon
Visct. Hampden
Sydney
Sidmouth
Lake
Exmouth
Curzon
Bishop London
Winchester
Lincoln
St. Asaph
Bangor
Exeter
St. David's
Salisbury
Ely
Chester
Peterborough
Oxford
Gloucester
Landaff
Clogher
Killaloe
Kilmore
Worcester
Lords Dynevor
Saltoun
Napier
Boston
Bagot
Kenyon
Selsey
Rolle
Bayning
Bolton
Northwick
St. Helen's
Redesdale
Dufferin
Arden
Gambier
Harris
Beresford
Walsingham

Proxies.

Duke of Clarence
Rutland
Richmond
Marlborough
Dorset
Marq. Exeter
Hertford
Salisbury
Bath
Cholmondeley
Thomond
Earl Scarborough
Kellie
Loftus (M. Ely)
Poulett
Morton
Huntingdon
Zouche
Orford
Sheffield
Carrick
Meldrum
(Aboyne)
Ferrars
Malmesbury
Maynard
Farnham
Prudhoe
Willoughby de Broke
Tyrone
Rous
Strange
Stamford
Beauchamp
Rodney
Suffield
De Clifford
Middleton
Denbigh
Graham
Salterford
Norwich (Gordon)

Gordon (Huntley)		Rivers
		Charleville
Stewart (Moray)	Lord	Carleton
		Manners
Home		Combermere
Harewood		Dudley and Ward
Egremont		
Falmouth		Wodehouse
Radnor		Gray
Aylesford		Archbishop of Armagh
Balcarras		
Portsmouth		Bishop of Hereford
Nelson		Carlisle
Craven		Chichester
Brodrick		Durham

HOUSE OF COMMONS,

Tuesday, April 17.

REFORM OF PARLIAMENT.] After petitions in favour of a Reform of Parliament had been presented from Northampton, Tavistock, Devon, Huntingdon, Cambridge, Suffolk, Cumberland, Southwark, Nottingham, and sundry other places,

Mr. *Lambton* * rose, and addressed the House as follows:

Mr. Speaker; in pursuance of the notice which I gave, I rise to bring under the consideration of the House, the state of the representation of the people in parliament. If at all times, and upon all subjects, I must be most unwilling to trespass on the attention of this House, on no occasion can I be more reluctant than on the present; and I can assure you, that nothing but a deep sense of public duty, and an anxious desire to put an end to that spirit of discontent now so generally prevailing, could have induced me to take up a question, the great and important interests of which I feel that I am not competent adequately to protect. In the first place, I know that I have to contend against that disinclination which has invariably been shewn by this House towards its discussion; a disinclination founded possibly on that dislike which is inherent in all men, and bodies of men to hear accusations against themselves, and statements of faults and corruptions openly laid to their charge. If I wanted any evidence in support of this assertion, this well-known truth, I should undoubtedly find it in the present state of the benches opposite to me. Perhaps indeed I should be justified in taking advantage of it, and at once submitting my motion to the vote; as the result of that division clearly would be its adoption: for it requires no great discernment to perceive that at this moment the majority is greatly on the side of the friends to reform.

But, Sir, I shall not be tempted into this irregularity, as it would prevent that ample discussion, that calm and deliberate consideration, to which this important subject is justly entitled, and without which it would be a mere mockery to propose it. If this scantiness of attendance is meant as an insult to myself, I treat it with contempt: if it is pointed at the question, I then repel it with feelings of deep indignation, and can only hope that it will not be lost on the people of England, who will not, cannot be insensible to the manner in which a subject so interesting to them, has been treated by his majesty's ministers. Indeed of all the placemen who usually crowd the opposite benches, at this moment I only perceive those right honourable twins, so lovingly united in affection, in principle, and in the representation of the oyster-dredgers of Harwich.*

In addition to this studied neglect, I have also to lament the disadvantage of following those eminent and illustrious characters, who have at different times advocated this question, and who by their virtues and their abilities have conferred as much lustre on the cause, as they received from the sacred and patriotic nature of the trust confided to them. I know, likewise, that I shall have to contend against the weight of the overwhelming eloquence of a right hon. gentleman opposite, (Mr. Canning) who has ever placed himself first and foremost in the ranks of those who oppose any alteration in the state of the representation, and whose hostility is never directed with more zeal, energy, or ability, than against that extended principle of amelioration, which it is my duty this night to press on the consideration of this House. Under these great and manifold disadvantages, therefore, and a deep sense of my own inadequacy to overcome them, I can only hope that the House will extend to me that indulgence, which at no time was more necessary, and that they will

* From the original edition, printed for Ridgway, Piccadilly.

* The Chancellor of the Exchequer and Mr. Bathurst, who were then seated side by side, and were the only members on the Treasury bench.

believe me when I assert, that my motives for undertaking this arduous office are founded solely on an ardent desire to serve my country, and to conciliate large classes of the community, loudly, but steadily complaining of their deprivation of the greatest privilege of our constitution,—and attributing, and justly in my opinion, the distress under which they are at present labouring, to a long system of misrule and mismanagement, which never could have existed, much less continued, if it had not been caused and protected by a gross and notorious system of corruption in the representation of the people.

Sir, I have heard much said lately of the dangerous state of the times—and I think with justice, for they are awful and portentous; sad from the recollection of past, and gloomy from the prospect of future events, before the fulfilment of which, the importance of both past and present difficulties fades into nothing. There is, I am aware, a spirit of discontent daily increasing, which cannot now be lulled or removed by those excuses which formerly passed current—by those promises which a long succession of years has seen as readily and unblushingly broken, as they were cheaply made in compliance with each temporary cry from the people for reformation and amendment. The increase of national education, and the consequent expansion of the intellects of the middle and lower orders of society, renders it now quite impossible to conceal any longer the causes of our national misfortunes—and this doctrine I find unexpectedly supported by an authority, and in a quarter, from whence I least expected any assistance. Since I came into the House this night, an extract has been placed in my hands from an address to the grand jury of Lancaster, by Mr. Justice Best, which fully confirms the assertion I have just made. The learned judge there says,—"The general diffusion of reading among the lower classes of society, requires the adoption of other measures than were necessary during the prevalence of ignorance; it would be as absurd to adhere to the old custom of acting, under the new circumstances, as it would be, to treat animated beings in the same manner as things inanimate."

I lately, Sir, had an opportunity of ascertaining the habits and opinions of a large portion of those classes in the north of England: and I must confess, that I was astonished at their improved intelligence—at their vigilant attention to political subjects. There was hardly a village, however secluded from the world however remote from large cities, however seemingly cut off by difficulties of access from communication with society, in which I did not observe the most vigilant attention to all the great points of our national policy, and the most scrutinizing observation, not only of measures but of men. Were these symptoms to be discovered even twenty years ago? I think no man will assert that they were, or will deny, that the lower and middle orders were then more remarkable for apathy, and a subserviency to the will of their superiors in rank, than for that independent and intelligent spirit which now animates them, and which only requires the occurrence of a fit opportunity to prove its existence in all parts of the empire.

In further proof of this feeling, I may also instance the numerous petitions that have been presented this night, and at former periods, all containing complaints against the present system, and insisting on the necessity of reform. It is not therefore, a matter of absolute necessity that we, who call ourselves the representatives of the people, should at length undertake that just and salutary work of amelioration and concession, without which we cannot hope they ever will be satisfied? I say without it they never can be satisfied; because we cannot, when we consider the state of the country, deny that their complaints are just. In what a situation are we now! We have a national debt of more than 850,000,000*l.*—an annual expenditure of 53,000,000*l.*—a taxation the most burthensome and oppressive in the known world, and yearly decreasing in productiveness, in the same proportion that it increases in severity—a Sinking Fund, which is the veriest delusion that ever was attempted to be practised on a country —our commerce in a state of the greatest depression—an agricultural interest petitioning from all quarters, and declaring its inability to exist without a protection which, if afforded, would irritate, perhaps greatly injure, a manufacturing interest already exposed to the greatest difficulties in its higher quarters, and whose working classes are nearly reduced to starvation.

We have, besides, a standing army of more than 80,000 men, an object always of the most constitutional jealousy to our ancestors, although it seems of none to us; the existence of which was even assigned as one of the reasons for deposing James 2nd.—We have a system of corruption in the greatest activity, by which seats in this assembly are publicly advertised for sale, and as publicly and notoriously bought and sold—and, to complete our domestic picture, we are repeatedly alarmed by accounts of treasons and conspiracies; nay, it was but last night that we were told by a noble lord, the secretary at war, that we were only in the first year of domestic peace! Our gaols are overflowing; and our eyes are shocked, and the better sympathies of our nature disgusted, by the most barbarous aud unnecessary executions—the effect of the impolitic severity of our criminal laws.

If we turn our eyes outwards, we find no accession of national honour or character to make up for our bankrupt and miserable state at home. Repeated violations of public faith and solemn pledges, recorded to our eternal disgrace, in the transfer of Norway,—the base abandonment of Genoa,—the partition of Saxony,—the surrender of Parga—A steady and undeviating support of all those feudal abuses and despotisms, which it is the object of the holy alliance to bolster up if possible; evinced, I say, most unequivocally, by our repeated adoption of an act the most repugnant to the free principles, although not to the present practice, of the British constitution, I mean the Alien Bill—An utter indifference to the struggles of a people contending for constitutional liberty; when a firm remonstrance, breathing the genuine spirit of English freedom, might have arrested the invading arms of Austrian barbarism, and prevented a war which has too unhappily succeeded, for the moment, in its sacrilegious aim, the repression of freedom, and the riveting again of chains which an effort of just and noble resistance had peacefully broken—All these, and many other characteristics of our foreign policy, which I need not now mention, have degraded us in the eyes of the people of the continent, and rendered us with them objects of distrust, suspicion, and hatred.

Under these circumstances, is it not natural that every mind capable of reflecting should be earnestly employed in endeavouring to ascertain the causes of this consummate degradation of national character? Nor have the people of England, unfortunately, far to look—the origin of all their misfortunes is to be found in the abuses prevailing in that branch of the legislature which was originally designed for their protection—

> Hoc fonte derivata clades,
> In patriam, populumque fluxit.

Sir, for a long period of time the people of this country had to contend against the tyrannical encroachments of their kings, and the undue exercise of the prerogative; nor did they succeed in establishing their rights for a time, until after the severest struggles, and the effusion of the best and noblest blood in the nation. At length, the system of attack was altered: it was discovered to be far more easy to govern by means of a majority in the House of Commons: and infinitely more effectual to employ the arms of corruption, than those of oppression, or of violence. Since that fatal discovery was made, our liberties have been at the mercy of all ministers, to whatever party they may belong; and if we now possess any, we owe it to their forbearance, and not to their being destitute of the power to destroy them entirely.

Let us only look at the means placed at the disposal of the minister of the day:—The management of our enormous revenue and expenditure; in all its minute and innumerable branches—the possession of the force and influence of the Crown, exhibited in legions of tax-gatherers, clerks and officers of all descriptions in the different boards of customs, stamps, and excise—the distribution of 4,000,000*l.* and upwards amongst those civil troops, amounting as they do to 10,000; the nomination of which is always vested in the ministerial member, in the town or county which he represents in parliament—the patronage of the army,—the navy,—the church—and the India board.—All these weapons, steadily and invariably directed towards one object, the strengthening the influence of government in this House, form a weight of power which the people, as at present represented, cannot resist. The consequences have been fatal to our happiness and prosperity. That check which the people are constitutionally supposed to have on the power of the Crown, by holding the reins of tax-

ation in their own hands, and having the power of withholding the supplies, has been rendered null and void, in consequence of the great majority of their representatives being returned by improper influence—by the Crown in some instances, by peers in others,—in many cases the member returning himself—but all possessing interests distinct from those of the people.

Ought it therefore to be a matter of surprise, that the national debt was increased one thousand millions during the late reign? or can we expect the people to be satisfied with a system, through which they have been plundered of these millions, to provide for the most wild and extravagant wars—the termination of which has always left them in a worse situation, than they were in at the the commencement? I contend, therefore, that it is the paramount duty of every true lover of his country to endeavour to restrain and diminish the influence of the Crown, and prevent it from destroying those constitutional defences of the rights of the people, which are to be found in a state of representation directly and purely emanating from themselves. The theory of the constitution, according to the best authorities, is, that all the parts of it form mutual checks on each other. I think it is Blackstone who has said, that in the legislature the people are a check on the nobility, the nobility upon the Crown, and the Crown upon both. But the practice, according to modern innovations and corruptions, is widely different from this theory. In the enumeration of those checks, we must entirely omit that of the people: for they are not represented in the legislature. When I say this, I mean, that although there may be some few members returned according to the purest spirit of the constitution, yet that the great majority are returned by the most improper means, without even the remotest shadow of popular delegation. In proof of this, I am now ready to adduce in evidence at the bar of this House, that 180 individuals return, by nomination or otherwise 350 members.

Now, Sir, does any man who hears me imagine that those members do not, in the first instance, consult the wishes and political attachments of those to whom they are indebted for their seats? How often do we hear it said, "Why has Mr. A. taken the chiltern hundreds?" The answer constantly is—"Because he cannot conscientiously vote with lord B. or Mr. C. who returns him, and therefore he deems it a point of honour to resign his seat"—a point of honour, by the way, which I never hear of, as being acted upon towards the people, however it may towards the patron. But all these facts are too well known, for me even to trouble the House by the mention of them—individually they know them to be true—collectively they know it—for they have often been brought under the consideration of parliament; and one noble lord (Castlereagh) in particular, accused of having bartered a place for a seat, has no reason, I think, to be delighted by any accession which thereby has accrued to his constitutional fame. The result however, shortly, is this: By direct nomination—by the existence of boroughs, where some 20, 50, or 100 voters are septennially bought and sold like cattle in a fair—by the influence of government, which, owing to the small number of electors, as compared with the population of the empire, can but rarely and partially, and then most expensively, be resisted—a majority is always to be procured for the administration of the day—a majority, forming a body, the most convenient, the most pliable, the most manageable, that the wit of man could invent; sanctioning measures solely on the principle of ministerial recommendation, without any reference to the expressed wishes of the people. Instances of this I need not enumerate, for they are now matters of history, and their records are accessible to all; as a sample of the commodity, I may however mention, that a majority of a House of Commons sanctioned and approved the infamous expedition to Walcheren—as for its pliability, I myself have seen the same members voting for that very question, which they had negatived only one hour before. But I will not weary the House by the detail of the long and black catalogue of offences committed by its predecessors, for of the present House I am prevented from speaking, as I should wish, by the existence of forms which I do not intend to violate.

Now, Sir, to prevent the further continuance of this state of things, the recurrence of such proceedings as I have thus generally described, is the object of my motion. In order that the people may be fairly and adequately represented in the legislature, and the balance of the con-

stitution thus restored, it is necessary, in my opinion, that there should be an extension of the elective franchise to the unrepresented classes contributing directly to taxation—copyholders, leaseholders, and householders; that all venal, corrupt, and decayed boroughs should be disfranchised; and that there should be a recurrence to Triennial parliaments, accompanied by such restrictions on the expenses of elections, as could easily be accomplished under a reformed system, but which now it is quite impossible to effect, and useless to attempt.

It would indeed be presumptuous in me to attempt to enter into a detailed history of the origin and constitution of the House of Commons. It has been so often and so ably discussed within these walls, that nothing new, in fact, can be adduced on the subject: a short allusion however to its composition, will, perhaps, be permitted me; and I trust the House will not be wearied by a short review of the statutes which have been passed at various times, affecting either its duration or constitution. In the reign of Edward 3rd an act was passed by which parliaments were to be held annually, in consequence of a disinclination both on the part of the sovereign to summon them, and of the representative to attend: arising on the one hand from a too great tendency to arbitrary power, and on the other from a lamentable deficiency in spirit and zeal in the people—the most fatal and ruinous symptom which can exist in a national character: nay, to such a height was this feeling carried, that it was found necessary to pass a law fining members for non-attendance, and fixing the rate of their wages, as a greater inducement. Still, however, parliaments were not held or called either according to the letter or spirit of this enactment, the ill effects of which are apparent in every page of our history. At length, in the 16th of Charles 2nd, c. 1, it was ordained that parliaments should be assembled every three years: and in the 6th of William and Mary, c. 2, the Triennial act was passed, which recites, "that by the ancient laws and statutes of the kingdom, frequent parliaments ought to be held, and that frequent and new parliaments tended very much to the happy union and good agreement of the king and people, and enacts that a new parliament should be called once in three years at the least."

The last act relating to this subject, and under which the present duration of parliaments exists, is the stat. 1 Geo. 1st, s. 2, c. 38. It recites, that "it had been found by experience that the clause in the act of William and Mary, limiting the duration of parliaments to three years, had been found grievous and burthensome, by occasioning greater expenses at elections, and more violent and lasting heats and animosities, than ever were before known; and there being a restless and popish faction in the kingdom, designing and endeavouring to renew rebellion and an invasion from abroad, and that if continued it might prove destructive to the peace and security of the government;" and therefore it ordains, "that all future parliaments shall continue seven years, unless sooner dissolved by the sovereign authority."

This act, commonly called the Septennial act, was not passed without earnest discussion and resistance, as every one conversant in the history of the country well knows; and I find in a protest in the House of Lords, on that occasion, arguments so cogent, and so applicable to the view I entertain of this question that I hope the House will excuse me if I read a short extract from it. After claiming frequent parliaments, as agreeable to the constitution, and the practice of ages, and denying the right of a House of Commons elected for three years, to extend its duration to seven, the protesting lords go on in these words: "We conceive that this bill is so far from preventing expenses and corruptions, that it will rather increase them; for the longer a parliament is to last, the more valuable to be purchased is a station in it, and the greater also is the danger of corrupting the members of it; for if ever there should be a ministry who shall want a parliament to screen them from the just resentment of the people, or from a discovery of their ill practices to the king, who cannot otherwise, or so truly be informed of them, as by a free parliament, it is so much the interest of such a ministry to influence the elections, (which by their authority, and the disposal of the public money, they, of all others, have the best means of doing) that it is to be feared they will be tempted, and not fail to make use of them; and even when the members are chosen, they have a greater opportunity of inducing very many to comply with them, than they could have, if not only the sessions of parliament, but parliament

itself, were reduced to the ancient and primitive constitution and practice of frequent and new parliaments: for as a good ministry will neither practise nor need corruption, so it cannot be any lord's intention to provide for the security of a bad one."

This measure, which I cannot but characterize as a most daring and unconstitutional exercise of parliamentary authority, was undoubtedly founded on circumstances of temporary necessity, to be justified only by the fact, that if an election had then taken place, it would have been matter of great uncertainty, whether a majority would not have been returned adverse to the Brunswick family, and to the existence of those civil and religious liberties, for the maintenance of which they had been elected and summoned to the throne. Upon this subject, I know historians have widely differed: my own opinion is, that however much posterity may feel grateful for the result which attended that measure, as far as regarded the eternal expulsion of the Stuart family, they must always reprobate the means by which it was obtained, as having established a most dangerous precedent, and opened a source of parliamentary corruption, which it was the most earnest endeavour of our ancestors at the revolution to eradicate. I should not therefore consider any alteration beneficial which did not include a recurrence to Triennial parliaments, affording, as they would, the very best security for that frequent communication between the representative and his constituents, the absence of which is but too apt to render him entirely independent of them, and regardless of any interests but his own.

The next point to which I shall call the attention of the House, regards the electors and elected. After the best research which I can make into the subject, and the maturest deliberation, I remain convinced, that until the reign of Henry 6th, all English freemen were entitled to vote for representatives. Without going into the remote ages of our Saxon ancestors, I find this doctrine acknowledged by declarations from sovereigns in various forms, and by a special act of parliament. Edward 1st, in his first writ of summons to the sheriffs, requires the return of two knights, who are to be chosen by the *commonalty of each county*, and two citizens and burgesses by the commonalty of each city or borough: and gives as his reason, what he justly calls a most equitable one, namely—"that what concerns all, should be approved by all; and that dangers common to all, should be obviated by remedies provided by all." In the same spirit was it, I apprehend, that Edward 3rd said, in reply to a petition from the House of Commons in favour of annually holding parliaments, and the restriction of voting to what they called the better people in counties—"as to a parliament every year, there are statutes and ordinances made; let them be duly kept and observed; as to the choice of knights, the king wills that they be chosen by the *common assent of the whole county*." At last, in the 7th of Henry 4th this important principle was solemnly recognized in the Statute book. The act runs in this form: "Our lord the king, at the grievous complaint of his Commons, of the undue elections of knights for counties for the parliament, which be sometime made by affection of the sheriffs, and otherwise against the form of the writs directed to the sheriff and the great slander of the counties, and *hindrance of the business of the commonalty* in the said county," &c. &c. It provides therefore "as a *remedy*, that at the next county court after the delivery of the writ, *all they who be there present*, as well suitors duly summoned for the same cause, *as others*, shall attend to the election of their knights, and then in the full county shall proceed to the election freely and indifferently." Now, if the word "suitor" was not sufficiently comprehensive, the term "and others" clearly proves that all freemen were intended to participate in the election; and in those days nearly every freeman was possessed of some degree of property from which he contributed to the support of the state. This act was still farther recognized in the 11th of Hen. 4th, and the 1st of Hen. 5th, but the latter makes residence a necessary qualification both for electors and elected.

At length, one hundred and thirty-four years after this right had been exercised by the people of England—namely, from the time of Edw. 1st to Hen. 6th—the disqualifying statute was passed in the 8th year of the reign of the latter king. It recites, "that elections of knights in many counties had of late been made by great, outrageous, and excessive numbers of people, *dwelling within the same counties*, of which the most part was people of

small substance and no value, *whereof every of them pretended a voice* equivalent with the most worthy knights, whereby riots, batteries, and so on, among the gentlemen and other people"—(The House will naturally suppose the sentence concluded with "unhappily *have* occurred:" on the contrary, all we find is) —"*shall very likely rise and be*—and therefore provides that knights of the shire shall be chosen by people dwelling and residing in the same counties, whereof every one of them shall have free land or tenement to the value of 40*s*. by the year at least above all charges, and that they which shall be so chosen shall be dwelling and resident within the same counties."—From this period is to be dated the transfer of the elective franchise from all freeholders and all freemen, to freeholders of the amount of 40*s*. a year: a period marked also by another most glaring invasion of the liberties of the people—the adoption of an act compelling labourers and artificers to work for low wages, under severe fines and penalties. As, therefore, all persons denominated liberitenentes, and all freemen *possessing property, however small its value, from which they contributed to taxation*, enjoyed the right of voting until they were most treacherously and tyrannically disqualified by this act of Hen. 6th—so, I say, now, all Englishmen, possessing the same qualifications, ought to resume those rights which were shamefully wrested from their ancestors under the most false pretences; for the preamble of the bill which I have just read, fully exposes the weakness and absurdity of the reasons alleged; and effected also under circumstances, and accompanied by other measures, bearing no other stamp than that of the most arbitrary power.

The stat. 23, Hen. 6, c. 14, recognizes in its recital an act passed in the 1st Hen. 5th, respecting what sort of persons shall be choosers, and who shall be chosen knights and burgesses; and declares that knights of the shire shall not be chosen unless they are *resident* within the shire, and the choosers also *resident*, and the same with regard to cities and boroughs. These laws, as to residence, were not repealed until the 14 Geo. 3, c. 58; and the reasons assigned in the preamble to that act are most ludicrous —that the provisions in them had been found by long usage to be unnecessary, and had become obsolete. The fact was, that the qualifications there insisted upon as to residence, had long been purposely evaded, or manifestly disregarded, from the most corrupt motives, although the statutes were positive and unrepealed. In these enactments, the principle of a fair and just representation is to be recognized; namely, that no county, city, or borough, should be represented but by persons resident in, or free of them, and consequently acquainted with their various interests and necessities. But is this principle, just as it is, at all applicable to the present state of the borough system? Many of these boroughs, formerly populous and flourishing, and therefore represented, are now decayed and depopulated; consisting, in many instances, only of posts or stones, denoting merely the site of former dwellings. Is it according to the spirit of the constitution? Is it according to the tenor of the statutes I have just cited, that these substances should return members to parliament? And how are they represented? By burgesses "resident in or free of" these boroughs? By no means. I think, if I were to appeal for confirmation to this House, and I were honoured with an answer (which is certainly not very likely), I should be surrounded by members, starting up on all sides, declaring that they had never been blessed with the sight of their inanimate, and, fortunately, insensible constituents; or, if they had seen them, it was when, after travelling post-haste to the Land's-end, to undergo the forms and insulting mockery of an election, they had carefully taken them out of their trunks, into which they had recently been transferred from the dignified retirement and security of their solicitor's office.

I say, therefore, that the right of sending members to parliament, which is now vested in these rotten boroughs, ought to be abolished; because those places need no separate and distinct representation for themselves; and may be, nay notoriously are, the means of introducing a corrupt influence into this House. As to whether the owners of this borough-property ought to receive any compensation or not, as suggested by Mr. Pitt, and I believe lately by a noble lord near me (lord John Russell), I should say, decidedly not, and for this reason—if this right, this white-slave-trading right, was taken away from them, they still would remain in possession of their legal and

constitutional property, their lands and their houses, the only property the existence of which they dare openly avow to the world. It would not be depriving them of any thing they ought to have, it would be depriving them only of the corrupt and unconstitutional practicability of selling seats in parliament, or bartering them for places, pensions, sinecures, and other appointments in the gift of the minister.

Here, Sir, I may observe, that down to the reign of Henry 8th, possibly later, members of parliament received wages from their constituents, as I have stated before, which were assessed and levied by a public rate. The practice is undoubtedly in one sense discontinued; for the constituents in many places are now paid themselves for performing their functions, and the members in return claim and receive their wages in other quarters. This payment, when effected by constituents, operated as a bond of union, and attached their representatives to them as their employers. The principle of payment still, I believe, prevails: but the employers are changed; and, I fear, the people of England do not consider the change as having operated beneficially for their interests.

But, setting aside the delicate question of payment, both as regards the member and his constituents, surely it cannot be, as Locke has well observed, upon a fair principle of representation, that the members for boroughs possessing no population, or at most only a few burgage-houses, should have an equal right with the representatives of the largest counties in England, to vote away the money of the inhabitants of those counties, with whom they have not the remotest connexion; a right forming the most important privilege of the constitution, and which was vested in it solely for the benefit and protection of the people. I am aware that it is difficult to obtain an exact equality of representation, both as to numbers and property; but I consider it an object which ought to be attended to as much as possible. Property of some degree, no matter how low the value, must be the best basis on which to found the elective franchise. It is that, from which those resources are drawn, which support the state, and whose application its possessor has a right to regulate and control through his representative. It affords the best pledge for his conduct, and renders him independent of that commanding and overbearing influence or temptation, which, if exerted against a poor and dependent man, would prevent the possibility of his bestowing a free and unbiassed suffrage.

I contend also, that owing to various circumstances, the lapse of time, the increase of population in some places, the decrease in others, and the enormous extension of the influence of the Crown, our system of representation has fallen into a degree of decay and imperfection, which imperiously calls for reformation and amendment. The nature and extent of that alteration, I own it to be difficult to determine. I am not presumptuous enough to imagine, that the course I recommend is the only one befitting us to adopt; but I think it fair in introducing this question, for which I contend on the ground both of justice and expediency, to state at once and openly, how far I think a change beneficial, and likely to be effectual in removing those evils of which we complain.

The principle of a change in our representative system is not new, and has been acted upon at different times, as may be seen by a reference to various acts of Parliament. The 27th of Henry 8th, c. 26. regulates the representation of Wales. The 35th of Henry 8th, c. 11. settles the wages of knights and burgesses in Wales, and declares who shall be the choosers of burgesses. The 34th of Henry 8th, c. 13. recites, that "the County Palatine of Chester had hitherto been excluded from sending members to parliament, by reason whereof the inhabitants had sustained many *losses and damages* as well in their lands and goods and bodies, as in the *civil and politick maintenance and governance* of the commonwealth of the county; and as a *remedy to restore quietness, rest and peace*—It is enacted, that the county shall send two knights of the shire, and the city of Chester two burgesses, to parliament." The next and last statute to which I shall refer, is one in which, I confess, I am peculiarly interested, as without its adoption, I should not have had the honour of now addressing this House. In the 25th of Charles 2nd, c. 9. I find it asserted, "that the inhabitants of the county of Durham are *liable to all payments, rates, and subsidies*, granted by parliament, equally with the inhabitants of other counties, and are therefore *equally concerned with them* to have their knights and

burgesses to represent the condition of their county, and they are accordingly authorized to send two knights for the county, and two burgesses for the city." After citing this last act, I above all others, may be permitted, in the language adopted in reference to the county I represent, to say on behalf of the unrepresented classes of England, that they are "liable to taxation equally" with other subjects, and therefore ought to be represented in parliament. Those unrepresented classes, thus contributing to taxation, are copyholders, leaseholders, and householders. Upon these principles, therefore, and in the words of the Chester act, "as a remedy to restore quietness, rest, and peace," I should propose that they should be admitted to the enjoyment of that privilege.

In order to affect this, I have prepared a Bill,* with the assistance of a learned friend of mine, whose valuable and efficient co-operation I beg leave now gratefully to acknowledge; and if the House will allow me, I shall, as shortly as possible, detail its provisions and objects. It is divided into three parts. The 1st part relating to householders, and the division of the county into districts, each returning one representative. The 2nd, adding copyholders and leaseholders to the county representation. And the 3rd, repealing the Septennial Act, and limiting the duration of parliament to three years.

As to the first part—The necessity of dividing the county into districts must be apparent, in order to give effect to the proposition for enabling *all* householders to vote, as without such an arrangement no householder could vote, unless he resided in a town to which the right of representation was annexed. The effect of a division into districts, would be, to give a representative to every 25,000 inhabitants,—of whom, reckoning one in ten to be a householder, paying rates and taxes, 2,500 would be electors. This calculation is made on the assumption that the population of England and Wales amounts to ten millions and a-half, to be represented by 417 members; the number remaining, after deducting the county members, and those for the two universities, whose representation I do not propose to alter. In 1817 it was calculated that the population of London amounted to 1,140,000, the number of houses to 161,882. It would thus appear that one in seven and a-half was a householder: and if this scale were to be applied generally, it would give 3,750 constituents to each member: but considering that great allowance must be made for the number of householders who are not rated, and do not pay taxes, as owners of small cottages, and persons receiving parochial relief, I think the fairest and truest estimate will be, that which reduces the calculation to one in ten.—The right of voting I propose should be given in these districts, to all inhabitant householders, *bona fide* rated to church or poor, or assessed to or paying direct taxes for six months previous to the first day of election, not having received parochial relief; every such person, except persons now disqualified otherwise than as Catholics, to be entitled to vote.

The next provision I was anxious to make, was for the fitness and impartiality of the returning officer for those districts, on the correct and fair discharge of whose duty so much necessarily depends. I propose, that he should be an acting magistrate within the district, and be chosen annually by the overseers and churchwardens; no magistrate to be eligible two years running, or to be bound to act within three years. His being elected by those who derive their appointment chiefly from the electors of the district, will inspire greater confidence than if the office were held either permanently, or independently of the inhabitants. I propose also to authorize him to appoint a deputy to attend to the minor details of the duty, which can frequently be better performed by a professional person, whose residence on the spot is always fixed and certain; but that the principal should be bound always to attend at the election. For the purpose of still farther providing for the impartiality of the returning officer, I have inserted a clause, rendering him liable to imprisonment, if he acts corruptly, as is provided in Ireland by the stat. 57 Geo. 3. c. 131. The magistrate, however, may decline acting as returning officer, on payment of a fine of 200*l.* to the poor of the district. This provision I have thought necessary, as it is possible that a magistrate might be elected, who had intentions of offering himself as a candidate for the representation of the district.

The election I should propose to take

* A copy of Mr. Lambton's intended Bill will be found in the Appendix.

place in the chief town in the district, to commence before twelve o'clock on the first day. If a poll is demanded, to be opened on the same day, or the next at farthest; and to be kept open on all days, except the day of demanding it, for eight hours at least; not to last longer than six days, including the first day of election; to be closed at three o'clock on the last day, and the return to be made immediately, unless a scrutiny be demanded. The returning officer will be obliged to provide a sufficient number of polling booths, separate, and with good access; the votes to be taken in them alphabetically; the letters, for which each booth is designed, to be affixed on the outside. In districts consisting of more than one parish, where the voters reside more than five miles from the chief place of election, votes may be tendered to the overseers of the parish where those voters reside. The poll there taken to last three days; to be kept open five hours each day: only three days are given, exclusive of the first day, in order that the parish-poll may be received the evening before the sixth and final day of the district poll, and thus enable the gross poll to be declared immediately on its close. The object of this arrangement is, to prevent the great expense of the conveyance of voters, by enabling all those who cannot, or will not, proceed at their own expense to the chief town, to tender their votes at a moderate distance from their places of abode; whilst at the same time it leaves unaltered and untouched that spirit, energy, and interest, which always characterize the proceedings of an election held in a populous town, where the candidate appears personally before large bodies of his countrymen, to answer openly for his past conduct, and give such pledges for his future actions as may publicly be required of him.

I wish also to provide for ample public notices of the election being generally circulated throughout the district: at present, such notices are generally given either by proclamation, or by that much calumniated individual, the bellman, whose announcement of the Suffolk reform petition has been so much objected to in the early part of this evening, by the hon. member for that county (Mr. Gooch.) I propose that the sheriff should issue his precept within three days of the receipt of the writ, to the returning officer of each district within his jurisdiction; the returning officer to give public notice within 36 hours of the time and place of election, and to proceed to the election on the Monday next, after two days from the time of giving that notice. Now, by the stat. 7 & 8. Will. 3. the sheriff is to deliver the precept within three days, and the election must be held within eight days; four days notice at least being given. This new arrangement would make little difference in the time of holding the election, after the returning officer received the precept, but would secure the election not breaking into two weeks. Every returning officer on the receipt of the precept, to affix notices on the doors of the churches, and on the market places, of the time and place of election. The overseers to be obliged to make and send alphabetical lists of all persons rated, to the returning officer, within a fortnight after the publication of the rate, as also the collectors of the taxes, after the receipt of their warrants of collection. By this means, the returning officer will be always sure to have the proper rate ready in case of vacancies; as, if it was to be delivered only yearly, it might never be a correct guide. The confusion which arises in taking a poll, would be thereby much diminished, and the opportunities for taking objections lessened.

I propose that all persons now entitled to vote for any borough, or town, or place, now represented in parliament, should be empowered to vote for life (or as long as the right, in respect of which they claim, remains,) at all elections in that district within which the place is situated.

All the expenses of these district elections, that are authorised by the bill, namely, those relating to polling-places, clerks, messengers, and other necessary charges, will be paid out of the poor-rates of the several parishes in each district, by warrant from the returning officer and one other magistrate. This power of issuing a warrant is sanctioned by other instances, somewhat similar. The stat. 27 Eliz. c. 13, s. 5. making the hundred liable for a moiety of the damages received, enacts, that two justices shall rate the different parishes to an equal contribution. The stat. 1 Geo. 1. c. 5, s. 6, adopts the same course for recovery of the sums, referring to the 27 Eliz. These statutes are amended by the 8 Geo. 2nd, c. 26, and the the 22 Geo. 2nd, c. 46, all of which authorize the assessment to be made by two

justices; and, lastly, the 57 Geo. 3rd, c. 19, adopts the same course, taking as a precedent the 1 Geo. 1st, c. 5.

And now, as to county elections—I do not propose to alter the mode in which they now exist, further than by adding, as electors, copyholders, and leaseholders, and making the same regulations as to the prevention of expense in the conveyance of voters from distant parts, as I have detailed before in that part of the bill which relates to districts. I conceive copyhold property, whatever it might have been in feudal times, to be now as good as freehold, because the possessor of it cannot be deprived of it, as formerly, at the will of the lord. I propose also, to grant the elective franchise to leaseholders for terms of years renewable at the will of the lessee, and for terms of which 21 years are unexpired. (I should here observe, that even now a lease for life is a freehold, and gives a right to vote.) This will enable proprietors under college or other ecclesiastical leases, or under long leases for small and nominal rents, such as building leases, to vote at county elections; in which privilege I would also join freeholders of 40*s.* in towns which are counties within themselves, in order to avoid the anomaly which now exists, of there being freeholders in some places who have no right to vote either for the county or town in which their property is situated.

The polling for counties I propose to be on the same principle as in district elections, for the reasons I have before stated, the votes to be tendered in hundreds or wards to the high constable; but the election to take place in the county town, as now; the duration of the county poll to be 10 days, that of the hundred poll 5 days; the high constable, his deputies and messengers, to receive a certain remuneration. There is no provision of this kind intended for the overseers in districts, because they are numerous, and will not have to go out of their parish. But the office of high constable is generally executed by an individual, who will have some distance to go from home. The sheriff to have the power of appointing as many booths as may be deemed necessary to facilitate the taking the poll. Under the present law, 18 Geo. 2nd, c. 18. s. 7, he can only appoint as many booths as there are hundreds, from which much inconvenience frequently results. There is no one who has witnessed a contested county election, but must be aware, that it often happens that one booth, for the most populous hundred, is crowded from the first to the last day of the election, to the great hindrance and inconvenience of the voters, whilst others are constantly empty, and the clerks unoccupied.

I propose that the same oaths should be taken by the electors, under this bill, as at present, with the exception of the Catholic oaths and declarations (provided by the 30 Chas. 2nd, and 1 Geo. 1st.) Those acts which are now mere instruments of illiberal and impolitic intolerance, of course I shall not embody in a measure of enfranchisement. In addition, however, to the present oaths, are added some to be taken by copyholders, leaseholders, and householders; as also an oath to be taken by every candidate before his return, and on his taking his seat, that he has not, and will not give or offer any bribe of any description to any voter, or any person in trust for him. This oath to be administered by the returning officer, under a penalty of 500*l.* for omission; and all laws now in force against bribery are to be applied to those convicted, on the evidence of two witnesses, of having offered any inducement to an elector to give his vote.

Finally, all ambassadors, and persons accepting offices under his majesty, the duties of which are to be executed abroad will be deemed ineligible; and if previously elected, their seats will be vacated on such acceptance; as, under those circumstances, it would be morally impossible for them properly to discharge their duties to the constituents. I have not made any provision disabling other placemen or pensioners from sitting in parliament; because, however much such a measure may be desirable and necessary in an unreformed, I do not think it required in a reformed House of Commons. An individual accepting a place or pension, will be immediately amenable to the judgment of his constituents; who, if they disapprove of his conduct, will have the opportunity of expressing that opinion in the most efficacious mode, by ceasing to return him as their representative. On the other hand, if, after mature deliberation, they do not consider his acceptance of such situations or appointments incompatible with the due performance of his duties to them, it would be hard to deprive them of the benefit of those services which they desire and are willing to accept, with the full knowledge of the circumstances under

which he again presents himself to their notice. I know that this principle is supposed to be acted upon, even now—but the effect produced is materially and essentially different. Under the present system, the placemen or pensioner who vacates, appeals, in nine cases out of ten, to the judgment of nominal or mock constituents. Under the operation of this bill, the elective body will be so numerous, and so independent, that their decision will always be formed on a consideration of what is most conducive to the general interests of the country; without any reference to those selfish and corrupt views, which now unhappily influence the proceedings of those select bodies, in whose hands the borough representation is vested.—I have not extended the provisions of this act beyond England and Wales, because a noble friend of mine (lord A. Hamilton) has already given notice of a motion on the subject of the representation of Scotland, which he wished should be kept separate; and it would be easy, if the bill was carried, to include in it both that country and Ireland.

I have now gone through the principal and most important details of this bill. It is not my intention now to move for leave to bring it in. I shall pursue the course adopted by the learned member for the University of Dublin, with regard to the Catholic claims, and shall conclude this day, by moving that this House will resolve itself into a committee of the whole House, to consider of the state of the representation. If that committee is granted me, I shall move in it resolutions embodying the principle on which this bill is founded, recommending its introduction, and asserting the expediency of thus far extending the elective franchise, as founded on a recurrence to the first principles of the constitution, which declare, according to lord Chatham, that to be taxed without being represented, is contrary to the maxims of law and reason, and strengthened by the evident tendency of many acts of the legislature, which prove that defects in our representative system have been amended when the exigencies of the state required.—It will be but fair here to state, that I consider no one who votes for going into the committee, as at all pledged to the principle of the bill: I consider such a vote as merely sanctioning the assertion that the state of the representative system is such as to require consideration in this House, with a view to its amendment.

I well know, that in advocating the propriety of an extended change, I shall be opposed by the misrepresentations of some the sophistries of others, and the fears of many—fears which it has been the object of a certain class of politicians to excite upon all occasions, and through them to carry on the government of this country—a system which has never been considered as auspicious to the existence of liberty in any country, or at any period. It was first commenced at the French revolution, by Mr. Pitt, to cover his abandonment of his early principles, and his adoption of that very system under which he had declared no minister could act honestly. This mode has been carried on to the present day, and our minds, it seems, are still to be alarmed by visions of anarchy and confusion, to be realized whenever the people are put in possession of those elective privileges which their ancestors once peaceably enjoyed. I should have thought that a participation in acknowledged rights and benefits, was not the surest incentive to treason and disaffection—but rather a security for submission and tranquillity. It was on the latter principle, I imagine, that our ancestors acted, when they granted the solicitations of the inhabitants of Wales, Chester, and Durham, and recorded in the most solemn manner on the Statute book, their conviction that affording large classes of the community an interest in the constitution, was the best, and wisest, and safest mode of providing for its well-being and permanency.

The system pursued by the gentlemen opposite is widely different. They obstinately exclude the petitioners of the present day; heap on them every term of reproach which the ingenuity of wit, or the bitterness of sarcasm, as administered by the right hon. member for Liverpool (Mr. Canning) can supply, and then express astonishment and alarm at the feelings which they hear repeated and re-echoed on all sides. To repress these, innumerable acts of restraint and coercion have been proposed by them, and of course adopted by parliament. The right of publicly meeting to discuss public affairs has been fatally abridged, and the result of this is an awful—sullen silence; still they are not satisfied: nor can it be a matter of surprise—the debate of last night* sufficiently shews that they do not

* On yeomanry corps, in the Army Estimates, see p. 275.

forget the insecurity of power founded on force, and force alone. Hence is to be traced the course of all their proceedings, tending manifestly to one object—the repression of that voice of public complaint; which, I will tell them, may yield to conciliation, but never will to severity.

Yet, in the midst of all their alterations of the laws in order to smother these complaints, they at the same time talk loudly of the dangers of innovation! Who, I should be glad to ask, are the greatest innovators? They who seek to restore the purity of the constitution? or they who suspend the Habeas Corpus Act—pass Indemnity Bills—suspend the right of publicly meeting—who attack the liberty of the press by taxation and banishment?—These, and many other atrocities have been perpetrated by the ministers opposite, and yet they have the effrontery to charge others with that very crime, of which they, above all men, are most guilty. On my part, I deny the charge of innovation: I ask no privileges which have not already been enjoyed by our ancestors, and to which I do not consider their posterity as entitled on every ground both of justice and expediency.

Before I conclude, I must notice two arguments which have greatly been insisted upon as fatal to reform. The one is, that the present system, however faulty in theory, works well in practice; the other, that were it not for rotten boroughs, men of talent, without property, would be excluded from seats in this House. That this system works well in practice for the hon. gentlemen opposite, their friends, their relations, and their families, I cannot deny: the fact is unquestionably proved by a reference to the place lists and pension lists; but that it works ill for the country, is as surely demonstrated by a view of its present state and condition. If any man will prove to me that the country is rich, flourishing, and contented—happy at home, and respected abroad—I will then own to him that the system works as well for the people, as it evidently does for the gentlemen opposite. As for the other assertion,—I deny that the effect of a reform would be, to exclude men of talent, without property from the House of Commons. History has always proved, that characters of such a description have much sooner found their level under a free and constitutionally representative government, than under a corrupt or a despotic one. But even if that were the case, I hold it to be no argument against reform. For, was this House originally intended as a theatre for the display of talents and abilities? Or was it provided as an institution, forming a check on the power of the Crown? in which honesty and independence would be infinitely more valuable, especially in the exercise of its most important function, the management of the public revenue, than all the rhetorical exhibitions which could be held up to popular admiration. If this latter be the correct view of the question, then I submit that I am entitled to make the talents of the members secondary to the purity of the House. To take the case into private life, I must confess, that in my own establishment, I would much rather be served by a man of plain, downright, even stupid honesty, than by the most eminently-gifted rascal that ever wore a livery.

I fear that I have detained the House too long; but the question is so extensive and complicated, that even now I feel conscious that I must have omitted many arguments and statements which bear strongly on the case. All I beg is, that its merits may not be affected by my demerits; and that the House will consider its real and serious claims on their attention, without any reference to its advocate. This is not a time at which public opinion can be trifled with; it is making rapid and mighty progress throughout the world. Wherever it is resisted, as in Italy, the results are deplorable, and all tend to some great convulsion. Where its power and justice are acknowledged, as in Spain, the prospect is most cheering. We see disaffection instantaneously quelled—venerable and rotten abuses reformed—superstition eradicated—and the monarch and the people united under a constitution, which alike secures the privileges of the one, and the liberties of the other. May I not then consistently hail the rising of this star, in what was once the most gloomy portion of the European horizon, as a light to shew us the way through all our dangers and difficulties—as a splendid memorial of the all-conquering power of public opinion? If there be any, who deny the existence of that feeling in this country, steadily directed towards a reformation of all public abuses, I am not one of those. If there be any who shrink from advocating this great and vital question in this House, and thus attempting to stem the torrent of cor-

ruption, on account of the obloquy or calumny by which they may be assailed, again I say, I am not one of those.—

———" Though perils did
Abound as thick as thought could make them, and
Appear in forms more horrid—yet my duty,
As doth a rock against the chiding flood,
Should the approach of this wild river break,
And stand unshaken."

Sir, I move you, " That this House do resolve itself into a committee of the whole House, to consider the State of the Representation of the people in Parliament."

Mr. *S. Whitbread* began by saying, that he was perfectly convinced that a reform in the Commons House of Parliament was essential to the existence of the rights and even the property of the people of these kingdoms. He had given this important subject his most full and earnest consideration; and he hoped that the House would give him credit, in rising as he did to second a motion which had been so ably stated and illustrated by the eloquence of his hon. friend for a desire only to perform that which he conceived to be an imperative duty to his constituents. He spoke the opinion of his constituents when he said, that, as the House was at present constituted, it was nearly the reverse of what it was intended to be by the theory of the constitution. It was too notorious a fact to be denied, that a great number obtained their seats in violation of the principle of election, and in contempt of the standing orders of that House. The hon. gentleman then remarked, that without the least disposition, on a topic of such vital interest to the country, to manifest any thing like unbecoming levity, he hoped he might be permitted to make one remark which forcibly suggested itself to him. With respect to the tenacious regard for its forms and its character which that House always manifested whenever its character was called in question. The existence of rotten boroughs was notorious; the existence of corruption in the returns made of members to serve in parliament was acknowledged; the charge of selling seats in that House had been gravely laid against, and openly admitted by noble and hon. members, and yet it was not orderly to speak of these practices in plain terms, as they deserved. Really, it appeared to him, after this, that the House was much in the situation of a woman of bad character, with whom you might take any liberty, but that of telling her of her frailty. The condition to which the country was reduced afforded the strongest argument in favour of reform, for although petitions poured in from all parts of the country, they were treated with indifference, and produced neither a correction of abuses nor any substantial inquiry. This could not be the case if the House of Commons really represented the people. The nation was oppressed with taxes, while its representatives were only thinking of enjoying the pleasures and profits of patronage. The hon. member then expressed his approbation of the plan of reform proposed by his hon. friend, particularly that part which went to shorten the duration of parliaments; and concluded by entreating members not to be wanting in their duty as trustees of the people, and guardians of their liberties,

Mr. *Wilmot* spoke as follows:—If, Sir, the hon. mover has thought it necessary to offer apologies to the House for the execution of the task which he has undertaken to perform, how much more incumbent is it upon me to press such apologies, and even to throw myself upon the mercy of those from whom I am compelled to differ upon this important question; for I perceive that the benches around me are nearly deserted, while the hon. gentleman is surrounded by a great proportion of his political friends; however, I cannot allow that this thin attendance is owing to any feelings of disrespect towards the hon. member, but to the interest excited by another more vital question in another place, the success of which I trust is far less problematical than that of the measure which we have just heard proposed. I will not stop to compliment the hon. gentleman upon the talents which he has just evinced; he will receive such compliments from others whose praise he will be more disposed to value. He says, that he shall be opposed by the misrepresentations of some, the sophistry of others, and the fears of many. He will not receive any misrepresentation intentional, at least from me; he has nothing to dread from any sophistries of mine, and as for fears, I cannot allow myself to feel the slightest, that this House will consent to a measure so dangerous, so unavailing, and so subversive of the real and tried constitution of this great country.

The hon. gentleman proposes to refer

the resolutions on which his bill is founded to a committee, in adoption of the method lately pursued by the eloquent member for the university of Dublin; but, however convenient such a plan may be, I must protest against any sort of analogy. The measures proposed in the bill of the right hon. and learned gentleman, were in perfect unison with the general opinions of those who supported the motion for a committee; but the proposed measures of reform, contained in the bill which the hon. gentleman has had the candour in this first stage to produce, are directly at variance with the known and recorded opinions of many of those who sit around him, and who will not be more justified in giving their vote for this committee, than they would have been in voting for a committee on the Catholic question with a determination to oppose all the principal points of concession for the express accomplishment of which the right hon. gentleman had introduced the measure.

The hon. member commented at length, in the commencement of his speech, upon the state of the times, and upon the general cry for reformation and amendment; but that cry is mainly founded upon the pecuniary difficulties under which the country now labours, and which have been the necessary and unavoidable result of the arduous contest in which we have been engaged—a contest, be it remembered where the feelings of the people *went entirely* with the government, and consequently which would not have been prevented by any form of representation of those feelings presumed to be more complete than the existing one. And, Sir, it must not be forgotten, that but for those unparalleled exertions—exertions which I am prepared to admit were greater than the country could sustain in a pecuniary point of view—we should long before now have fallen victims to a despotism the most oppressive and unrelenting in the annals of Europe. There may be those who argue, that we ought to have husbanded our resources; but if the ministers of the Crown who directed the national strength at that awful crisis, instead of stimulating the energies of the country, had deemed it expedient to "husband its resources," they would only have served as a fund to decorate the grave of the liberties of the people of England.

The hon. gentleman has urged, that our standing army is too great, and that in a reformed state so expensive an establishment would not be necessary. Now, Sir, I contend that from the moment the principle of Jacobinism was fully developed, it has been necessary to support standing armies as an auxiliary to the police of the country—that principle which Mr. Windham (the friend of the hon. gentleman opposite) desired to be the embodying the *inevitable* discontents and misfortunes of mankind, and of attributing them to the errors of civil government for the purpose of overthrowing it. The hon. member has asked,—Will it be possible much longer to resist the general cry for reform which is heard in every part of the country, coupled as it is with the general diffusion of education? For my part, I confidently hope that the spreading education will teach the people to attend less to the suggestions of those who flatter but to betray them, and whose sole object is to delude them with visionary and pernicious theories. I do not mean to charge such conduct upon the hon. member, or upon any members of this House, but it is matter of undisputed notoriety that such tempters to mischief both exist and prosper. They work upon the natural and justifiable passions of the people. They assure them that they have been despoiled of their inalienable privileges, and invite them to regain them; and among these they have the audacity to record "Annual Parliaments, Universal Suffrage." Such assertions are capable of mathematical confutation, and have not a shade of plausibility, and they have been too often destroyed to require any comment from me, especially as the hon. member has not made them any part of his case. But I shall merely advert to the monstrous imposture of inviting the regrets of the lower classes to the glorious days of the liberty of their ancestors, when a great proportion of those very classes were in a state of positive slavery, and when the very phrase in Magna Charta of "*Nullus liber homo*" records for ever the degradation of the unprivileged classes, who were not then deemed worthy to be admitted to an equality of law or to a capacity of privilege. But these are two points which appear to me to be the very key-stones of the argument of the hon. member, on which I will beg permission of the House to say a few words. I mean the universality of the

suffrage of freeholders, and the right of the people to triennial parliaments.

He has called our attention to a reply which Edward the 3rd made to a petition from the House of Commons for the annual holding (not election) of parliaments, and on other points, from which he infers the extent of popular rights at that period: but when I quote an address from the House of Commons to the Crown in the same reign, I will leave the House to conjecture the degree of importance to which that branch of the three estates had arrived at that period: "Most dreaded lord" (they say) "as to your war and the equipment necessary for it, we are so ignorant and simple, that we know not how, nor have the power to advise. Therefore we pray your grace to excuse us in this matter, and that it please you with the advice of the great and wise persons of your counsel to ordain what seems best to you and your lords and we shall readily assent to and hold it firmly established."

The hon. gentleman asserts, that until the reign of Henry 6th all English freemen were entitled to vote, and he refers to the 7th Henry 4th, which enacted, that "all they who be present at the county court, as well suitors duly summoned for the same cause as others, shall proceed to elect." It appears to me unquestionable that the words "all they" referred to suitors only as explained in the succeeding paragraph. Of these there were two sorts, those who were duly summoned, and others who though qualified had not been summoned, and who, from the imperfect degree of communication belonging to that early stage of society, might not have received the summons to which they were entitled. But when the hon. gentleman argues that the statute of the 8th Henry 6th which raised the qualification of the freeholder to 40*s.*—"in consequence of elections having been made by outrageous and excessive numbers of people" did in fact deprive the freeholders of their undoubted rights, I would invite his attention to the consideration how far the state of foreign and domestic politics at that period may appear to favour such an unconstitutional invasion of the rights of the people. He will remember that that was a period of foreign discomfiture and intestine disturbance. Mr. Hallam, in his admirable chapter upon the English constitution, an authority which I am persuaded no member of this House will impeach, has this remarkable passage, which appears to me to bear most strikingly upon this important point. He is alluding to the consultation of parliament upon public affairs and he adds. "Those precedents conspired with the weakness of the executive government in the minority of Henry 6th to fling an increase of influence into *the scale* of the *Commons*; they made their concurrence necessary to all important business both of a foreign and domestic nature." And yet this is the precise period when the hon. gentleman contends, that a gross violation was effected of the rights of the people.

And now, Sir, with respect to the right of the people to triennial parliaments; and I think this point too clear to involve the possibility of mistake. At the period of the Revolution of 1688, a committee was appointed seven days after the meeting of the convention to bring in general heads of such things as were absolutely necessary for the better securing our religion, liberties, and laws, and for remedying several defects and inconveniences in the constitution. This committee suggested, among other points, the propriety of providing by *new* laws against the *too long* continuance of the same parliament. But if the old laws had provided against this danger, why have enacted new ones? Why not have passed a declaratory law? But, above all, why was not this recognition of what the hon. gentleman, I think most erroneously, implies to have been the ancient law. Why was it not inserted in the Declaration of Rights, which was presented to, and accepted by the prince and princess of Orange together with the Crown of England. In the preamble of the triennial act itself, the frequent holding of parliament is declared to be conformable to the ancient laws; but the frequent election of parliament is, on the contrary, described as a measure highly expedient. The triennial bill was passed in 1694; it failed in 1693, and in 1692, king William, who had accepted the Declaration of Rights, refused the royal assent to it. I assert, then, that the question of the duration of parliaments, whether for seven or three years, or any intermediate or longer period, must be decided upon the grounds of "high expediency," to employ the phrase in the preamble which I have just quoted, and not upon the basis of rights which notoriously have never existed. In fact, in a very powerful article in the last Edinburgh Re-

view declaratory of pure Whig doctrines, upon the subject of reform, the writer says,—"Till the passing of the Triennial bill, parliament, unless dissolved by the king, might *legally* have continued till the demise of the Crown—its only natural and necessary termination." The honourable gentleman has referred to the extension of the Elective franchise to Wales and Chester and Durham, but that reference if it establishes the fact of additions having been made to the system, it also proves, that the extension of the elective franchise to individuals never could have been a part of the constitution. The right of suffrage for which the inhabitants petitioned was not a right to be given to all the inhabitants, or to all the taxable inhabitants; but to the recognised bodies of electors, the freeholders of counties, and freemen of cities—a right securing to those classes a direct, and to others a virtual representation.

But then we are again told, that in the lapse of ages certain boroughs have fallen into decay, and that consequently a reform is necessary, but the antagonist results, if I may use the expression, are wholly overlooked—on the one hand, the great increase of freehold voters, from the progressive diminution of real qualification, arising from the extreme depreciation of money, and on the other, the extended right of voting in boroughs that have risen into prosperity; both of which effects have increased the relative proportion of the electors to the population in a very great degree, and have given the representation in general a much more popular character. I must not forget to add, the very creation of public opinion by means of the press in its present improved state, and the necessity of the ministers of the Crown, consulting and assaying that opinion, previous to their adoption of any measures of importance. The hon. gentleman has enlarged upon the flagrant injustice of withholding the elective franchise from the copyholder and leaseholder. I can by no means enter into his feelings; and I am reminded of what occurred in this House on a former occasion, when a right hon. gentleman argued how unfair it was to make the possession of 240*l.* in notes the lowest qualification for obtaining gold from the Bank of England, and it was asked why is it not permitted to a comparatively poor man with only 10*l.* to exchange his notes for gold at the Bank? The hon. member for Portarlington, answered "Let him take his notes to a goldsmith and purchase 10 pounds' worth of gold—he may make the purchase upon equally good terms with his more opulent neighbour who goes directly to the Bank." So I say, Sir, with respect to the injured copyholder and leaseholder;—let them purchase a 40*s.* freehold; and let us hear no more of these mock complaints of pretended injustice. The hon. gentleman implies that one effect of his plan of reform would be, to lessen the weight of taxation; but I challenge him to point out any practicable degree of retrenchment which would alleviate the burthens of the people in any material degree; unless you are disposed to break faith with the public creditor; and in that case it does not require a reformed parliament to effect the object. Upon the specific plan proposed I shall say very little. The motion is for a committee, though the hon. gentleman has candidly produced his plan with all its cumbrous accessories of unconstitutional machinery, and all the multiplied inconvenieneies of a perpetual canvass. But allow me to inquire, would any set of men be found in this House to undertake the administration of government with such a plan of Reform in operation as that suggested by the hon. member? and I beg again to quote my former Whig authority upon this point:—"No reform can ever be peaceably carried, otherwise than by a friendly administration; all plans which will not bear the test of this condition are either delusions or instruments of revolution." I will leave the hon. gentleman to reconcile his own opinion with that of his friends. He has alluded to the disposition shown by some of the great European powers to violate the rights of nations—a disposition which as it has not been countenanced by any members of this House, I do not quite understand how it can be connected with the state of the representation; but if any additional lesson were wanting to show how impossible it is that liberty can thrive where the soil is utterly unprepared to receive it, and how vain and impotent are the boastings of a nation professing itself desirous of emerging from slavery to freedom, but unwilling to face the difficulties of the change, let the fate of Naples point this additional moral. I use the words of one of the most celebrated of modern poets,—

"In vain may Liberty invoke,
"The spirit to its bondage broke,
"And ease the neck that courts the yoke."

We have also heard, Sir, a great deal on the present as on former occasions of the advantages of the restoration of that pure system of our ancestors, which they are presumed to have established; but let me inquire where are the seven years at any period of our history, more especially since the Revolution, when the complaints of the increasing influence of the Crown, and of the corruption of parliament and of public men have not been uttered even to nausea? Nor even were these complaints wanting soon after the period of the Revolution itself. If the House will permit me, I will read an extract from a pamphlet published in 1698, which I happened to meet with this morning in an Appendix to a volume of the Parliamentary History. It is entitled, "Considerations on the nature of parliament and on our present Elections." The writer states, "that corruption is come to such a height, that a wise prince must consent to doing it away." He then talks "of our low and corrupted state, when patriots must be hired to serve their country, when whigs go resty without pension or place, and begin with untimely barking against the government in war, to conclude with prostitute bawling for it in time of peace." At last, in common with the hon. gentleman comes his grand panacea, though of a different nature. "*Choose Rich Men*; let no character of party recommend or prejudice: poor whigs, poor tories, want equally places, and will act alike to get and keep them. Avoid the younger sons of lords, who full of pride, with empty pockets, will endeavour, at the nation's cost, to become rich commoners." He then sums up—"such a parliament would secure us from religious lewdness, protestant arbitrariness and parliamentary slavery."

I have merely quoted this passage to shew that there were those who considered the very period of the Revolution, as one of marked degeneracy. I am not disposed, taking human nature as it is, to attach much value to such complaints, or to suppose that the reformation of public morals can precede that of private ones. I think with the late sir Philip Francis, at one period, at least, of his life, that the representation is good enough, and fully answers its purpose, that the milk throws up the cream, "and that it is impossible to build up a Grecian temple with brickbats and rubbish." I am deliberately convinced that a comparison of sound and practical liberty, with former periods of our own history is decidedly in our present favour; and it is especially so with respect to other countries, whether we look to the past or the present. In America, to whose institutions some gentlemen look with such parental fondness, there exists slavery, in the proportion of 19 per cent upon the whole population; in particular provinces the ratio is higher; in Georgia, for example, it is estimated at 71; in Louisiana at 80 per cent: I have found this estimate in the valuable and accurate work of Mr. Sibert. I do not state this in dispraise of America, in whose prosperity I am not ashamed to say I feel the warmest interest. This state of things has been unavoidable in that country, and I trust that she has the disposition to remove this stain; but I do state it to shew that no country enjoys that extension of freedom which it is our singular lot to experience and yet to vilify. I will only offer one observation more, that if the plan of the hon. member was to pass into a law, it would place each representative so directly and immediately under the influence of his constituents, that in attending to their voice he would often be at variance with the interests of the nation, considered as a whole. I might quote the opinion of Algernon Sidney as illustrative of this point, but I shall prefer reading one additional extract from the last Edinburgh Review, so often referred to by me, and which as an acknowledged code of Whig reform, tallying with the plans proposed by my noble friend (lord John Russell) I consider as an important document to be cited on this occasion. The writer says, "The members of a legislative assembly ought not to consider themselves as delegates from districts" (the very plan of the hon. member for Durham) "bound by the instructions of their own constituents;" then in a subsequent passage he speaks of "the convenience of so framing the election of a certain portion of the members, as to render them less susceptible of local influence, more impartial, more in fact, what all are in law, the representatives of the whole people." To such doctrines I must fully and unequivocally assent; and I cannot forget, that one of the most eloquent authors of modern times, has stated the opinion, that a deliberative assembly, however elected, where freedom of discussion and debate was completely permitted would be more likely to preserve and to transmit to posterity the sacred

flame of freedom, than an assembly elected upon the purest principles of representation, where such a degree of freedom of debate was not practically enjoyed. I have endeavoured to explain my conscientious opinion, that the plan of the hon. member is neither constitutional nor expedient; at the same time I do not mean to impeach in the slightest degree the sacred feelings of public duty which induced him to bring it forward. I have to apologize for having so long trespassed on the time of the House, and whatever may be the issue of this debate, I will conclude, Sir, in the words of one of your most distinguished predecessors in that chair—"My daily prayer will be for the continuance of the constitution in general; and that the freedom, the dignity, and the authority of this House may be perpetual."

Mr. *Hobhouse* said—Mr. Speaker; If, Sir, my friend, the hon. mover, thought it necessary to make an excuse to this House for the details into which he judged it necessary for him to enter, how much the more must I feel an apology requisite for a person who has not his experience in parliament, and who has besides, on this occasion, the disadvantage of following his very able exposition of the great question now before us. I trust, however, that the House will have the goodness to recollect, that there are some members amongst them whose constituents sent them here principally to advocate the cause of parliamentary reform; and who, however unwilling or incompetent they may be, must therefore, upon these occasions, trespass on the attention of the House. Standing as I do in this predicament, I shall venture to enter somewhat at detail into the examination of the momentous subject now under discussion.

In the first place, I would remark upon what has fallen from the hon. gentleman who has just sat down. He has warned us against any decisive experiments with parliament, and has held out to us the example of those unfortunate states, who have lately made an attempt to "emerge from slavery to freedom." Those were his words, and I own I heard them with surprise, as coming from one of those who are in the habit of eulogizing things as they are. For, supposing that the Italians have found how difficult it is to "emerge from slavery to freedom," what lesson does their example teach us? Does the hon. gentleman mean to say that we are endeavouring "to emerge from slavery?"—Does he mean that we are in slavery, and therefore should not attempt to be free?—I think not. Sir, we are not in slavery as yet, nor is it from slavery that it is the project of reformers to attempt to emerge, but we know not how soon we may be in slavery if our present system continues; and it is to present such a consummation that we strive to reform this House—it is to retain what freedom we have, as well as to recover what we have lost, that my hon. friend, the member for the county of Durham, has made his proposition on this night.

I would also remark upon another observation of the hon. member for Newcastle-under-Lyne. He tells us that public opinion is a sufficient corrective for the abuses of government, and would therefore apply no other remedy to these abuses—this is a favourite argument with the enemies of Reform. But in the first place, with all my respect for popular opinion, I do not think public opinion is inevitably right, or always does discover the errors or vices of government. Supposing, however, that it was always right, and always applied a future remedy to a past evil, I would ask, whether the scheme upon which a great nation is to be ruled, should be only so contrived as to find a remedy for a disease when and where it may occur? Surely the wiser plan would be, to manage so as to give a tendency towards what is good, rather than to provide for the correction of evil. Surely to allow of that evil when the causes of it may be removed, merely because we think we have a method of counteracting the effects of that evil, is a strange mode of providing for the happiness and well-being of mankind. It is a scheme by which we must encourage a perpetual struggle between the governors and the governed, instead of uniting the whole community in one bond of interest by a system which secures, upon incontrovertible principles, a general tendency towards good government. Public opinion, when it does come, comes often too late—indeed it is often charged by the hon. gentleman opposite with being too late; and we hear of the people having supported wars at the beginning, and calling out against them only when the clamour was of no use. Sir, I own I am surprised at hearing the hon. member on this occasion, as I have been at others on other occasions, assert that we have no right to this or that change in

our representative system.—As if our system, as it now stands, were the fabric of ages, unchanged, and unchangeable; as if it had always been such as we now see it; and as if immutability were the most certain principle of our constitution. Let us look at this assertion.—Mr. Hume tells us, that the history of our country is a history of perpetual change; and Mr. Fox, in a speech made in this House on the 30th of April 1792, made use of this expression:—that "the greatest innovation that could be introduced into the constitution would be, to come to a vote that there should be no innovation at all."* If this be true of the history of the country, it is more peculiarly true of the history of parliament.

We do not know much of the origin of the House of Commons. Probably sir Robert Cotton and others, who assign the date of the 49th of Henry 3rd to the first formation of the House of Commons, have no good grounds for their conjectures; for there seems always to have been some way of collecting the opinions and wishes of the commonalty in the earliest periods of our history. This, however, we may safely say, that the House of Commons, since it has been known, has been perpetually varying. This is true, of the number of representatives—of the elective franchise—and of the duration of parliaments. In the first parliament of Henry 8th, the number of representatives was only 298. In that reign 31 members were added to the representation; numerous additions were made in the successive reigns of Edward 6th, Mary, Elizabeth, James 1st, and Charles 1st. At the Restoration 36 boroughs, and towns, and cities, were restored to their privilege of sending members; and in the same reign of Charles 2nd, occurred the enfranchisement of Newark by charter, and of Durham, town and county, by act of parliament, a circumstance to which the member for Durham has so forcibly alluded. Yet there are, I believe, still sixty-nine towns, boroughs, and cities, that formerly sent members to parliament, and that now send none.—As far then as the number of members are concerned, and the places sending members, we shall, I trust, conclude that nothing can have been more variable than the constitution of this House.

* See New Parliamentary History, vol. 29, p. 1315.

The elective franchise has been so changeable, that, to say nothing of the many sorts of franchise, there are several places in England where the right of voting has varied according to the decision of election committees; and where, indeed, that right is not decisively known at this day.—Such is the case of the great city of Westminster: an election committee, after the examination of many months declared that it had come to no determination on that right, and that parliament would probably end before it could come to any resolution. As to the duration of parliaments, every novice knows that they were at first sessional by practice, then annual, at the very least, by act of parliament, then triennial, and lastly, septennial.

The general character of parliament has been much subject to change. Who will say that it was the same in the days of the Plantagenets as in those of the Tudors—or that the House of Commons, in the reigns of the Stuarts resembled that of the Plantagenets or Tudors—or that the House since the Revolution has been at all like the parliaments previously to that great event. The change since the latter period is remarkably striking; notwithstanding the hon. member (Mr. Wilmot) would persuade us there has been none at all. It appears that, in the same proportion as the public revenue has increased, so the corruption of parliament has augmented. This may be deduced, as I find it from a table drawn out by the society of the friends of the people. At the Revolution the public revenue amounted to 2,100,000*l*. The statutes against bribery and corruption amounted to 14. In 1792 the revenue was 16,000,000*l*., and the statutes to protect free elections were 65. The deduction is incontestable, namely, that as the means of corruption increase, the body to be corrupted must necessarily lose some of its original character and constitution. But the great change, I think, must have taken place during the last forty or fifty years. Since 1792, the gross produce of public revenue has increased from 16 to 64,500,000*l*., and the collection of the taxes at the present day is greater than the annual interest of the national debt, and other charges payable for the same, at the beginning of the reign of George 3rd. The collecting of the taxes costs the United Kingdoms more than four millions annually. Now, though the Crown

has the appointment to these collectorships, I need not say, that, in fact, the patronage is applied to parliament. We heard the other night, an hon. member (Mr. S. Wortley) complain of the eagerness with which some of those collectorships are solicited, as being notoriously attached to county representation. But add to this the enormous India patronage, which since 1784, has been turned into the same channel—add the new board of control, since 1791—add the droits of Admiralty—add the Bank of England interest—add 156,000*l.* divided annually between seventy-six parliamentary pensioners—add the Leeward island duties fund—add other streams of wealth pouring into the lap of parliament, professedly for the purposes of influence, and for the support of the minister of the day; and we shall be obliged to confess that the nature of an assembly subject to such new modes of attack, and to such new influences, must of necessity have taken a new character. It cannot be the same as before it was subject to such perpetual temptations against the purity of its members. In fact, we may safely declare, that this House, instead of being that venerable plant which has required the lapse of ages to mature, is nothing but a mere mushroom, the growth almost of a single night of corruption.—I know that since the Revolution, as well as a little before that period, complaints were made, and with justice, against the venality of some members in this House. But was that venality so diffused? Can it be at all compared to the notorious profligacy of the present day? We often hear of the purity of the public men of the present day. It is true a man does not now sell his vote for 1,000*l.* in the lobby, as in Walpole's days. —No—no—things are better managed now: we are not such bunglers—we want something less showy and more stable:—50*l.* per annum would tempt no one now. Let us see how many members were commanded by the court in the pensioned parliament. I mentioned the other night how comparatively few they were. In 1679, a rigorous inquiry was made of their number, which was found to amount only to thirty two; so, at least, we are told by Mr. Echard.

The speeches against the septennial bill, particularly Mr. Hutcheson's, put down ministerial influence at thirty or forty. By Mr. Henry Fox's accounts, it appeared that only thirty or forty were in the habit of being on the regular parliamentary place, pension, and gift-list. What the number of those members is, who in our present House of Commons receive fee or reward, either in *esse* or *posse*, for their votes, need not be stated. Array them against the thirty and forty of former days, and the corruption of our ancestors will appear like virtue. It is enough to assert the undeniable fact, that the most saleable of all articles—the most profitable of all commodities is a parliamentary vote. To that recommendation the navy, the army, the church, the treasury, in short, the temple of promotion itself, opens all its doors. The consequence has been that which was foretold by Mr. Hutcheson at the passing of the septennial act. This House has "set up a third estate entirely independent of the people." I defy any man, here or out of doors, to deny this fact. We are still called the House of Commons; but all our countrymen, all Europe, sees, that what Mr. Fox said is too true:—we have "a House of Commons, in which the power of the people is nothing." It would, indeed, be strange to deny this, seeing that for the most part this House conducts itself, as it were, systematically against public opinion. It makes a boast of so doing;—and some of our most flourishing young orators found their fame upon despising the great body of their fellow countrymen. The more moderate are contented with saying, that they would bow to public opinion did they but find it. How to find it, I confess I do not know.—If a million of people petition for any object, we are told that a million and a half ought to have petitioned —or that there are two millions the other way of thinking:—some how or the other, the "sound part of the public," as they are called, are always somewhere beyond the petitioners against any alleged grievance. Advance, far as we please, this public opinion still recedes before us, like the imaginary pole:—

"Ask where's the north—at York, 'tis on the
Tweed;
In Scotland, at the Orcades—and there
At Greenland, Zembla, or the Lord knows
where."

We always admit its existence, but never admit its presence; and this, by the way, is an unanswerable argument in favour of agreeing to some system by which we may be certain of collecting the wants and wishes of the people, by which we may be sure we are acting in conformity to their

sentiments and interests, without waiting for that expression of opinion which is either not recognised, or is interpreted according to the humours and inclinations of the prevailing party in the state.

We say that a reform in parliament would secure such a system. A parliament emanating from the body of the people must necessarily do so. This seems to me as inevitable as that a parliament emanating from a few proprietors must necessarily speak the wishes and provide for the wants only of those proprietors; at least, its first and chief object must be to do this; and if public interest be consulted, it is consulted only accidentally or incidentally.

My honorable friend, the member for Durham, has told us what the petition of the friends of the people offered to prove at the bar of the House—that 154 patrons return a majority of the members of this House.—The anti-reformers are bold men, but they will not venture to affirm that 154 individuals are the people of England. Or that for any of the purposes of government or legislation, they can possibly be identified with the people of England. The admirers of that virtual representation, which sir William Jones called "actual folly," must, at least, allow that the commons of England do not return the House of Commons of England. They must, I think, also allow that the government, whether good or bad, is in the hands of an oligarchy; and (when compared with the wealth, the numbers, and the intelligence of the remainder of this great nation)—of a very insignificant oligarchy. The object of the reformers is confessedly to give to the commons their share• in legislation—that share which the very name of this House shows they were meant to possess. The reformers, in pursuing this great object, are taunted with the differences existing amongst themselves—so were the religious reformers of other days; they were ridiculed, with an appearance of justice, on account of their feuds. With their feuds and differences were triumphantly contrasted the uniformity and simplicity of the Roman Catholic faith; and the English heretics were asked, to which of the fifteen or sixteen confessions which distracted the reformed church, even in one town, Strasburgh, they finally intended to conform? But did those feuds, unfortunate as they were, prevent the triumph of the new faith? Did they prevent the overthrow of the ancient superstition in this and other countries? By no means; they rather sharpened the wits and invigorated the zeal of the proselytes, and, perhaps, contributed to the glorious issue which crowned their labours.

Such, I trust,—I believe will be the case with the reformers now, who, whatever shades of difference may exist between them,—whatever may be their various plans,—have, let it be recollected, only one subject, namely, that which was stated by Mr. Pitt, in 1785, as being his end and aim "to make the popular branch of the legislature an assembly freely elected, between whom and the mass of the people there should be the closest union and the most perfect sympathy."* This is the sole object of all the reformers—we wish for nothing more—we ought to be content with nothing less. This is the object of my hon. friend, the member for Durham; and I may truly say, differing from him, as I venture to do, on some parts of his plan, this alone is my object, namely, to procure an effectual representation of the people, in place of that representation of certain proprietors, which now composes the majority of this House, and can at any time carry any measure.

Of the three forms government:—by one—by the few—and by the many, almost all politicians have given up that of the *few* as being the most prejudicial to general happiness. A monarch governing despotically, often has been and may be, the delight and the happiness of his subjects; and he may be also their virtual representative, as Mr. Burke has observed, to the full as much as this House is virtual representative of the people of England. The advantages resulting from a democratic form of government, have also been acknowledged on all hands, but the oligarchy has been left without defenders. Yet I would remark, that an oligarchy, composed of individuals of great estates, and of illustrious names, may find their interest in good government, and may therefore act conformably to that conviction. But our oligarchy is not an oligarchy of the legitimate sort. Their power and character are not founded on great estates, nor on great names, but on the possession of certain commodities for which, having either bought them, or being obliged to preserve them at great

* Parl. Hist. Vol. 25, p. 435.

expense, they are obliged to reimburse themselves. These commodities are the boroughs, and also the properties influencing elections for members of parliament. The reimbursement which they seek is from the minister of the day; the fund from which they are indemnified is the public purse. It is, therefore, impossible, that the oligarchy should not, as borough-holders, have an interest directly opposite to that of the nation.

The English oligarchy are, in fact, holders of a monopoly, which as it is constructed, enables them to get more by taxation than by good government. Human nature operates with them as she does with others. The plan is systematically vicious and ruinous. The private interest of the few is incompatible with the public interest of the many. I need not enter at large into the detail, but merely repeat what I have before said, of the notorious value of a vote in parliament. Those who have bought that vote think they have a right to sell it. I know there are exceptions; I know that some few gentlemen purchase their seats, with a view to forward the public interest, or with the hope of indulging an honourable ambition: but this is not the way that the system works generally, and it is only of the general working of the system that we now have to inquire. Those who lay out large sums in coming into parliament, whether for boroughs, or in order to preserve interests, as they are called, for the most part, do so in order either now, or one day or the other, to be partners in the monopoly—to share in the government and the good things of government. Many of them are not without their attachment to the people, and to the soil and to the glory of their country; but this attachment is so far from their ruling passion, that their first duty directs them to themselves, to their family, and to their friends. If any feeling is left for their country, after these cravings are satisfied, so much the better; but this feeling is not a necessary consequence of their having a place in this assembly; no one will dare to say that it is—no one will dare to say that it ought not to be.

We have, then, nothing to do but to follow the example of the illustrious author of modern science, and, going at once to the basis of the vicious system, resolve to reconstruct the fabric upon principles conformable to the recognised experience of mankind, rejecting as spurious all those systems which suppose men will act otherwise than as their interests guide them.* Let us own, at last, that we can only be saved by a House of Commons so chosen as to give each of its members the least possible interest in misgovernment. This can only be done by connecting the legislative body wholly and fully with the people at large. Nor can this object be attained but by the frequent recurrence of the representative to his constituent; by the diffusion of the elective franchise amongst so large a body as shall be a fair sample of the community; and by securing the complete independence of the vote given at elections.

I must say, I think the honourable mover has been very reasonable in his demands. He is more than borne out by ancient usage, when he asks for triennial parliaments. If ancient practice can give a right, he might undoubtedly have asked for annual parliaments. Although this is notorious, it may be repeated on this occasion. Our ancient parliaments assembled usually at the three great feasts. They then met twice a year. And Andrew Horne, editing that very ancient book, "The Mirror of Justices," in the reign of Edward 1st or, Edward 2nd, calls the omission in that respect "an abuse of the law, and a main one too." Then came the enactment of the 4th and 36th of Edward 3rd, securing annual parliaments, and the positive right to annual parliaments was claimed in the famous Remonstrance of the Commons in the 10th year of Richard 2nd. I am aware that there has been at all times a dispute, whether annual parliaments meant annual new parliaments; but Mr. Prynne, in his Brief Register, Part I. p. 334, seems to prove, that parliaments were newly chosen every time they were held, a fact deducible from the list of Speakers, the county histories, and the names of the members of the Commons' House, notwithstanding the celebrated Whitelocke thought otherwise. There were adjournments and prorogations, but I believe that the first parliament that lasted longer than a year was

* See this and other important points elucidated in a reform pamphlet, published by Messrs. Baldwin, Cradock, & Joy, Paternoster Row, intituled, "Statement of the question of parliamentary Reform, with a reply to the objections of the Edinburgh Review, No. LXI."

the 23rd of Henry 6th. The civil wars of the Roses entirely destroyed the old English constitution, and the parliaments of Henry 8th, were quite deranged from the ancient model.

I scarcely know to what to attribute the strange mistake made by sir William Blackstone on this subject, unless, perhaps, it may be ascribed to some hardy assertions made by the supporters of the Septennial bill; for there is no point more clearly proved from records, than the frequent recurrence of new parliaments in the early periods of our history. I repeat, we had no parliaments longer than a year before Henry 6th. Henry 8th, kept his parliaments together beyond the constitutional period, and for the best of reasons—he was afraid to trust his people with choosing their deputies immediately subsequent to his violent acts, and having once got a House of Commons to his mind, resolved to keep it as long as he could. This shows the elective body were not under the control of the Crown; for, had it been so, an annual parliament would have served the turn of this tyrant as well as a longer parliament. In the days of the Stuarts, the patriots were not so solicitous about new parliaments as they were about having a House of Commons in session. The fear was, that the king would contrive to govern and tax without parliaments. This will account for the provisions of the bill, the 16th of Charles 1st, which turns upon *frequent* parliaments being holden. The same consideration applies to the Triennial bill of the 16th of Charles 2nd. which commands *a* parliament to be called at the least within three years. I must be permitted to repeat the remark before applied to the reign of Henry 8th, namely, that the anxiety only for frequent parliaments, shows, that in those days the people thought themselves secure if they had a parliament sitting, a certain proof, that a majority of the elective body was not then as now, the mere tool of the minister—an oligarchy separate from and independent of the people at large.

About the period of the Revolution, however, the friends of freedom had begun to discover that frequent new parliaments were essential to the interests of the country. The duke of Monmouth, who may be supposed to have known what was popular, in his declaration promised to give the people "parliaments annually chosen, and held, not prorogued, dissolved, or discontinued." The Triennial bill of king William 3rd provided frequent *new* parliaments; but even this did not satisfy the best and wisest lovers of their country: for we have it decisively asserted, that "at the Revolution assurances were given which led the nation to think that the ancient course of annually chosen parliaments would have been restored." My lord Bolingbroke in the 19th letter of his dissertation on parties, quotes this as a well-known fact, and cites a pamphlet of Mr. Hampden, written in 1692. We know the difficulty with which king William was brought to consent even to the Triennial bill. We know that at last he yielded only to the intercessions of sir William Temple, and to the reasoning of Swift. Of the last-mentioned great man no one can mistake the opinions on this subject. He has left them on record. It is in a letter to Pope that he writes thus of parliaments: "I adored the wisdom of that Gothic institution which made them annual. I was confident our liberty could never be placed upon a firm foundation till that ancient law was restored among us."

The same fact may be collected from another distinguished person who wrote and suffered for the cause of freedom, and who was able to make the glorious boast that he had laid the bridge, over which the prince of Orange came to England. I mean Samuel Johnson, who wrote the famous address to the army on Hounslow Heath, for which address he was sentenced to be whipped from Tyburn to Newgate by the judges of king James, and afterwards pensioned by king William, at the request of his parliament. We have a right to listen to and to believe such a man. His "Parliaments at a Certainty," shows what he and his brother patriots thought of the right to annual elections.

It is certain that the patriots and statesmen of those days perfectly well understood the true value of frequent elections. The supporters of prerogative did not hesitate to declare for long parliaments as useful to royal power. Mr. Lyddal, who moved the Septennial act in the Commons, openly confessed, that "it would restore the prerogative to that part of its power which had been cramped by the Triennial act." On the other hand, some of the greatest authorities of the day declared as openly not for triennial, but annual parliaments. Lord Raymond said, that we had never departed from annual parliaments without detriment to the con-

stitution. Mr. Hutcheson took the same line of argument; and not only on that occasion, but for many years afterwards the recurrence to annual parliaments was the favourite project of the Reformers. Mr. Bromley moved to shorten the duration of parliaments in 1734. Mr. Carew moved for annual parliaments in 1745; and here I would beg to call the attention of hon. gentlemen who are so terrified at the very sound of annual parliaments—to the time chosen for Mr. Carew's motions—to the persons opposing it, and to the numbers who voted for it. There was then a pretender to the throne—almost in arms, and menacing an immediate descent. The two great parties of the state had just been reconciled, and the friends of Walpole and Pulteney composed a formidable phalanx on the Treasury-bench; yet, in the face of the danger, and the inopportunity of the time—in spite of the coalition of the most powerful statesmen of the day, Mr. Carew proposed his restoration of annual parliaments, calling it "a test of patriotism;" and lost his motion not by the overwhelming numbers, which will, I fear, defeat my hon. friend's motion to-night:—No—hon. gentlemen will be surprised to hear, that in 1745, in this House—against party—against prejudice, 113 members voted for annual parliaments, and were beaten only by 32 voices. Sir I. Glynn moved for shorter parliaments in 1757 and 1758. Mr. Alderman Sawbridge made a similar motion on several occasions; and in 1772, he had 82 supporters, although he had explicitly declared for annual parliaments. The blind fear of annual parliaments is quite new. I need scarcely say, that the duke of Richmond declared for them. Many who now hear me, well know that the great body of the aristocracy and Whig gentry in 1793, solemnly recommended, that parliaments might be "triennial, biennial, or *annual*, as they had been in former times."

I hope, that what I have said, has made out my position, that the hon. mover is completely justified, as far as precedent and authority go, in laying claim to triennial parliaments. I am aware that the question of the extension of the suffrage is more difficult. I think, however, that enough has been said even on this point, to show that the House, as it now stands, is entitled to no veneration on the score of antiquity. I think enough has been said, to show that the elective body must have been very different from what it now is, when all the Reformers whom I have alluded to, thought a frequent recurrence to that elective body was, together with place bills, a sufficient security for the independence of parliaments. I am aware, that the expedient of altering the frame of parliament was tried by Cromwell, who, though he fixed the elective franchise at so high a standard, secured such a fair body of electors, that he found his House of Commons too faithful a representative of the people for his purposes. I am aware, that lord Shaftsbury prepared a scheme which was addressed afterwards to the Convention parliament; and which went the length of house-keeper suffrage, and secret suffrage, and prepared, to use his own words, "to raze the old building." There was a pamphlet written in 1702, which exposed the inequality of representation allotted to the metropolis; and proposed, that London and Westminster might send eighteen members to parliament. But, generally speaking, the earlier reformers contented themselves with the frequent recurrence of elections as the best cure for corruption.

The hon. mover, however, is perfectly justified in demanding the elective franchise for the great body of the people, or for such a portion of that body as shall be a fair representative of the whole—for without presuming exactly to define who were the voters in very ancient days, there can be little boldness in asserting, that by the spirit of the old English constitution, the commonalty were the basis of one branch of the legislature. What was the early coronation oath twice taken by Richard 2nd? that the sovereign would maintain the laws, "*quas vulgus elegerit*," a phrase, which, in spite of all the disputes about tenses which occurred in the reign of Charles 1st, must still show, that the Commons had the great share in making the laws. The best writers, both ancient and modern, point to the same conclusion. Bracton, who lived in the reign of Henry 3rd, in the 1st chapter of his 1st book, on the laws of England, has these words: "that which is justly defined and approved by the counsel and consent of the lords, and the common agreement of the commonwealth, under the authority of the king or prince, hath the force of law." Fortescue, in his 9th chapter, on the laws of England, says, "the statutes are not made at the

will of the prince, but by the consent of the whole realm." St. German, a writer of Henry the 8th's time, tells, that the "statutes are made by the king and his predecessors, the lords spiritual and temporal, and the commonalty of the whole realm." The learned sir Thomas Smith, writing in the early part of Elizabeth's reign on the commonwealth of England (for our government was then called a commonwealth,) in his 2nd book, 2nd chapter, has these remarkable words: "The parliament of England representeth, and hath the power of the whole realm, both the body and the head. For every Englishman is intended to there be present either in person or by procuration and attorney; of what pre-eminence, state, dignity, or quality soever he be, from the prince to the least person of England."

The great names of Coke, Hardwicke, and Camden, may be enlisted on the same side. The principle is acknowledged by almost every great writer: Dr. Robertson says, "It is fundamental in the feudal constitution, that no man can be taxed or governed except by his own consent." To the same end Blackstone declares, "that in a free state, every man who is a free agent, ought to be supposed in some measure his own governor; and therefore, a branch at least of the legislature should reside in the whole body of the people." Sir William Jones, in his speech to the three counties, declares "the spirit of our constitution requires a representation nearly equal and nearly universal."

The hon. mover has told us what the statutes say to the same purport. He has quoted the preamble to the parliamentary writ issued in the 23rd year of Edward 1st, which says, "what concerns all, should be approved by all." He might have added, "that this writ was directed to the prelates and clergy, telling them to meet at Westminster, to consult with the lords and other inhabitants of the realm," upon the common danger. The great charters of John and Henry 3rd; the 25th of Ed. 1st, chap. 1, 5, 6; the 34th of Ed. 1st, stat. 4, chap. 1, 4; the 14th Ed. 3rd, stat. 2: all these statutes shew, that right of taxation was founded upon the common consent of the nation. The hon. mover has recited the answer of the Commons in the 10th of Richard 2nd. What can be more decisive? "The Commons would keep their old customs, which will that the knights be appointed by the Commons." The rolls of the first of Henry 4th inform us, that the 18th charge against Richard 2nd was his packing of parliaments, "whereas, his people ought to be free to choose and depute knights." "His people" must have meant the people at large, not the great men—against whom the statute of Westminster the 1st was made: a statute on which lord Coke's comment in his fourth Inst. ii. speaks volumes. He says, "of old this was the answer of the Commons when any new device is moved on the king's behalf, that they dare not agree without conference with their counties."

I am not ignorant of the debated question respecting the real "*liber homo*" of early times; but after the best attention I can give to the subject, I think I may assert with Mr. Flood in 1790, that "in ancient times the *liberi tenentes*, including in effect the whole property of the country, and extending to the mass of the people, were the electors." What else can be deduced from the statute 7 Henry 4th, c. 15, quoted by the member for Durham, which defines voters to be "all they that be there present [at the county court] as well suitors duly summoned for the same cause, as others?" What else can be deduced from the other statute quoted by the hon. mover, the 8th of Henry 6th (an. 1429), which confined the franchise to forty-shilling freeholders? an act called by sir W. Jones "basely aristocratical and highly unconstitutional."

These acts allude, I know, to county representation, and I also know that the question relative to the boroughs, towns, and cities, is somewhat more involved and liable to dispute. The boroughs and cities were enfranchised, I believe, by our kings, first, in order to form an equipoise to the influence which the great lords might illegally exercise in county elections; and, secondly, that the sovereigns might actually know the wishes of the great communities, and be enabled to raise taxes from them by their own consent; and there seems reason to believe that every free man, who was not entitled to a vote by his residence being neither in a city nor in a borough, might vote in the county court; until the Disfranchising act, the 8th Henry 6th. For ages the representatives were faithful representatives in this respect at least; and those who ignorantly declaim against the servility of ancient parliaments, should recollect that

Henry 8th, with all his mad tyranny, was unable to threaten his parliaments into taxation. It was not until the 27th of his reign that he prevailed upon them to pass the Statute of Uses, by which he recovered what was really belonging to the Crown. Queen Mary could not persuade her parliament to restore the conventual property, then in the hands of laymen.

In fact, the kings of England thought the borough and city representation a great protection and a great resource, because it was a *bona fide* representation of large bodies of their subjects. That the boroughs fell into decay or into private hands, is true enough, but that such was their original condition seems to me absurd, when we recollect the purpose for which they were first enfranchised. I do not mean to say but that in a very few instances the case might have been otherwise—for instance, Saltash is said to have been enfranchised by a private individual. James the 1st shows what he thought of the matter, in his famous recommendation to the sheriffs not to return members for decayed places. He thought his parliament ought to be a place "where all the whole body of the realm, and every particular member thereof, either in person or by representation, upon their own free elections, are, by the laws of this realm, deemed to be personally present." The parliaments also held a similar doctrine. By Glanville's Reports of Election Cases, in the 21st and 22nd of James 1st, we find a committee on the Cirencester case, resolving, that "there being no certain custom or prescription who should be electors and who not, we must have recourse to common right, which to this purpose was held to be, that more than the freeholders only ought to have voices in the election, namely, all men inhabitant householders, *resiant* within the borough." In the Pontefract case it was determined by a committee of the same House of Commons, "that of common right all the inhabitant householders and residents within the borough, ought to have a voice in the election, and not the freeholders there only, as was pretended." So we see what the notion of the common right of Englishmen was in the reign of James 1st. I may remark that there is a word in the Pontefract case which looks something like a recognition of the right of universal suffrage—at any rate, the member for Durham is perfectly upheld by precedent in asking for an extension of the suffrage to all taxed householders.

The hon. member who preceded me has dwelt upon the fact of a reform of parliament not having formed part of the changes at the Revolution. This is a very common objection. I think I have shown that a change as to the duration of parliaments was thought of at the Revolution, and that even certain schemes for altering the frame of this House were laid before the public. I forgot to mention that Henry lord Clarendon told Mr. Pollexfen, the great lawyer, when king James 2nd. ran away, that king William had nothing to do but to call a parliament on Cromwell's model, and declare himself king. Surely, however, hon. members cannot forget that the 16th, 19th, and 20th, articles of the prince of Orange's declaration, all have reference to a free parliament. They do not forget that the eighth article of the Bill of Rights declares that elections shall be free. They do not forget that the parliament which elected king William was a popular parliament, upon quite a new model, in which fifty common councilmen, in fact fifty representatives, sat for the metropolis.

It is indeed but too true, that the great men of the Revolution contented themselves with mere declarations instead of enactments. It is too true that, as Blackstone says, the providing against arbitrary power, not by prerogative but influence, was most unaccountably overlooked at the Revolution. This made Samuel Johnson say, that he wished all the Bill of Rights had been reduced to one line—"The right to have a parliament "every kalends of May." This made Mr. Hampden, in 1692, say, that "it was a jest to talk of a settlement until the time and manner of calling parliaments were determined." This made lord Bolingroke afterwards declare, that "by the neglect of securing the frequency, integrity, and independency of parliaments, the essentials of British liberty were almost wholly overlooked at the Revolution, so that the nation soon discovered, that without the necessary provisions in favour of free parliaments, the foundations were laid of establishing universal corruption."

It is quite idle to quote the Revolution of 1688 as an example from which nothing is to persuade us to depart. Though much was done, much was left undone. This was soon discovered by the greatest statesmen of subsequent

times—although, as I before stated, the usual palliative, which they proposed to apply to the corruption of parliament, was "frequent elections and place-"bills," because, probably, neither was the elective body ever so thoroughly corrupt nor the power of the corrupter so great as to make an alteration of the frame of parliament visibly indispensable.

This alteration had, I say, before been a matter of private speculation; but the first practical statesman who seems to have been inclined to reform the mode of election in latter times was lord Chatham. From the first proposition of that great man to infuse a new spirit into the constitution, it has been thought no crime to project a mode of remodelling the frame and constitution of this House. It has been the darling scheme even of ministers. Mr. Fox was minister when he supported Reform in 1782. The duke of Richmond carried with him his annual parliaments and universal suffrage into the cabinet. Lord Shelburne, so we are told by Dr. Watson, made parliamentary reform a part of the condition of his accepting office. Of Mr. Pitt's three propositions in 1782, 1783, and 1785, one was lost only by 20 votes, and the last was supported by 174 votes. Mr. Pitt is now called a moderate reformer; but, as I before said, his principle was the same as that of all reformers. He said, in 1782, that he wished to cure a radical error. His last scheme was a sweeping disfranchisement of thirty-six boroughs, and the transfer of their members to copyholders in counties. Had he been true to his promises and his principles, how great would have been his fame—how great the benefit to his country! Then, instead of living to become a splendid exemplification of his own saying, that in the present system no honest man can be a minister. Then would his talents have added lustre to his own name, rather than have hung like a garland on the bier of the liberties of England. Then should we have beheld the monuments of his genius and virtue in the glory, the happiness, the freedom of his country; instead of finding his memory embalmed only in a ballad, and the great name of Pitt good for nothing but the chorus of a club.

I scarcely need do more than allude to the great men who, in our times, have advocated this cause upon the broadest principle. The friends of the people declared "the right of voting to be common and personal;" and Mr. Fox, who did not begin as a radical reformer, certainly ended as one. Were I not too prudent to attempt to draw the bow of Ulysses, I might follow the example of the right hon. gentleman, who the other day arrayed the great men of past times, who have struggled for the enfranchisement of their Catholic fellow-countrymen. Sir, you know that the reformers may boast of names not less illustrious—nay, they may boast of many of the same name as adorn the pages which record the efforts made for religious liberty. We also may show our Pitt, and our Fox, and our Grattan, and even our Burke, such as he was in his earlier and better days. A Swift and a Bolingbroke belong to us—the great Chatham is all our own—a Savile and a Jones, he who was hailed the most enlightened of the sons of men, he fights with us; and whatever may be the event of this day's contest, we may perhaps do well to follow the example of the Romans at Regillum, who animated their countrymen to the fight by pointing where the shades of their departed heroes mingled in the combat, and led them on to victory.

Sir, it is not very difficult to anticipate the objections which will be made to this measure. Indeed, we have already heard those of the hon. gentleman opposite, who, as was said by the present member for Bramber (Mr. Wilberforce), in 1785, seems "so afraid of innovation, that he will not try even a new argument." What has been before urged against all attempts at amelioration in this respect, we must make up our minds to hear again. The watchword of the corruptionists have ever been, and ever will be, the "constitution." When the Lords threw out the Bribery bill, in 1722, they said, they would not touch the constitution. When Walpole opposed the Place bill, in 1734, he said he would not innovate on the constitution. Sir W. Yonge, opposing Mr. Carew's motion, in 1745, said, he would not lay a finger on the constitution. Lord North and Mr. Burke, on each of Mr. Pitt's three motions, said, they declared for the constitution. When Mr. Pitt opposed Mr. Grey's reform, he called himself the defender of the constitution; and we have lately heard a right hon. gentleman declare, that he will stand by the constitution. The word is a good word; but whether or not it is misapplied to the decayed

boroughs and to the perpetual dominion of 154 proprietors of old houses and of rotten parchment bonds, is a question which must, I think, by this time, be hardly matter of inquiry.

The passion chiefly applied to by our antagonists is fear, base fear. Our ancestors were frightened into the Septennial bill, as appears by the very preamble of that act of monstrous usurpation. They have been repeatedly frightened into not repealing it; sometimes on pretext of foreign war, sometimes on pretext of domestic discontents. When Mr. Pitt brought forward his plan, in 1783, Mr. Powys, for lack of other arguments, proclaimed, that though Mr. Pitt might be moderate, other reformers were dangerous; and, to prove his assertion, read the duke of Richmond's letter to the York committee. Mr. Pitt, in his turn, frightened the House with the phantoms of French daggers; and his humble imitators have terrified their audiences with the Agrarian laws of the Spenceans. In looking over the debates of former periods, I find exactly the same modes of refutation applied to the parliamentary reformers—all ridiculous, many of them incompatible with each other. The character of the people is bad, therefore they shall not have free parliaments. This was said in 1716, in 1745, and at many other times. The character of the people is good; therefore they do not want reform. This was said by lord North, who told Mr. Pitt, that there were only 20,000 signatures to the petitions for the measure. When the number of petitioners increased in after-times, Mr. Burke told the House, that the people were in themselves indifferent, but were excited to the complaint. Exactly the same thing was said in 1817, when more than a million of people petitioned for reform.

But the great objection is, the danger which would inevitably accrue to all men of property, if the mass of the people should be allowed to vote at elections. This, though the most common, seems to me the most ill-founded, and it may be said the most absurd, of all the objections urged against reform of parliament. What proof have we that the people, properly so called, are enemies to proprietary rights? We are in the habit of talking as if the great mass of our population were the natural enemies of the few above them; as if they were roaming about without any thing they could call their own, greedy for plunder, and waiting for the first moment which should deliver the goods of their privileged fellow-citizens into their hands. But, supposing this to be the case, would the giving of votes to this unarmed populace be equivalent to giving them clubs? Would it furnish them with arms against their fellow-citizens? Would it not much more probably reconcile them to the happier part of the nation, by giving them common rights, and affording them a consciousness of possessing that equal protection from the government, of which no man can be sure, unless he has some share in making those laws by which his conduct is to be regulated.

The poor are to the full as much interested in the preservation of the laws of property as the rich. They are more so: a wealthy man may protect himself either in anarchy, or under a despotism, by the power of his purse and of his previous influence; a poor man has no friend but the laws. The position of Mr. Burke is incontrovertible—"The people have no interest in disorder;" and yet the anti-reformers actually profess to believe, that the first orders given to the real and *bona fide* representatives of the people of England, would be, to vote away the property of those who have great wealth into the pockets of those who have little wealth. Now we have places where the election is in the hands of the poorer classes, and yet did we ever hear of these instructions being given to the members for those places, or being proposed as a test to the canditates for those places? Indeed, I may ask, whether in places where the most popular species of elections prevails, there has ever appeared a preference to the sort of man who might be expected to be a fit tool for the accomplishment of such spoliatory projects?

The enemies of reform always attempt to answer every claim, by pointing to the French revolution. I trust we shall live to see the times when that argument will be as obsolete as it is senseless. But, let me ask, did the French national assemblies vote away private property? I say, they did not. They did vote away the property of the church, as Henry the 8th's parliament voted away the property of the church; they did vote away the property of the nobles who were in arms with foreigners against the nation, or chose to take part against the new order of things by emigration. But, I say, they did not violate private property in the sense of the

phrase as applied by the enemies of reform. Had they, however, been guilty of this enormity, as they were of other and greater horrors; it would not be to a free system of representation that such evils would be justly attributable; but to the monsters who forced them at the dagger's point to be the accomplices of all their villanies. Nor was a thirst for private plunder one of the vices even of those monsters themselves.

Let us turn to our own revolt against Charles. I have never heard that private property was invaded, or that any systematic spoliation of the rich formed part of the sins of the Long Parliament. But our opponents tell us, that if property would not be invaded, the other branches of the legislature would inevitably be destroyed; and they point to the parliament of Charles. The exceeding ignorance displayed in making such an allusion must surprise even those who are used to the hardy assertion of the anti-reformers. We are contending for a full, fair, and equal representation of the people; and they say, see what *such* a representation did with the king and lords in the time of Charles. Strange!!—it was not *such* a representation. Fifty members of the Long Parliament were excluded by the ordinance of the 22nd January, 1643. T[illegible]ndred more by the ordinance of 2[illegible]une, 1644, and one hundred and forty-three by colonel Pride's purge in 1648. The House of Commons, which in 1649, voted the king and lords unnecessary, was composed of sixteen county members, six members for cities, and sixty-seven members for boroughs—in all eighty-nine persons. So that, in fact, if the House of Commons of that day be a warning against any one sort of senate more than another; it is against a borough parliament. When Cromwell called together his uniformly-chosen House of Commons, it was soon seen what stuff a truly representative assembly would be made of. The first thing they did—very injudiciously I think, was to pull to pieces the "instrument of government." "The next step would have been to dethrone the usurper.

The lovers of hereditary monarchy have nothing to fear from the people of England. Certainly the friends of the present family on the throne have nothing to fear from the exercise of popular rights, and from giving full scope to the wishes of the people. I am not sure that so much can be said for the aristocracy. At least one thing we know for certain, that when the Pretender came to England in 1745, he was induced to do so by the expectations held out to him by very many of the nobles and higher gentry of the land. This fact is ascertained beyond all doubt from authentic documents. It is true the same worthy personages behaved as basely to prince Charles as they had done to king George; but that they actually encouraged the treason is equally true. What did the people do? Why, in the whole march from Carlisle to Derby, the prince, flushed as he was with victory, and apparently marching to mount a scarcely-disputed throne, the prince was joined only by three hundred of the people—of that portion of the king's subjects, whom, under the name of rabble, we are accustomed to revile, and whom we are now willing to exclude for ever from the privileges inseparable from freemen.

I can assure the House, Sir, that I have omitted no pains, and lost no opportunity of examining the objections urged against the reformers; and for this purpose, I have naturally gone to the strong hold of our opponents, rather than to the position occupied only by our weaker antagonists. Indeed, I have brought down to the House, and now hold in my hand, a pamphlet containing a speech which has been pronounced here by the member for Bodmin, to be unanswered and unanswerable. It is the speech of a right hon. gentleman now opposite (Mr. Canning), upon his re-election for Liverpool. As it is considered, then, as a sort of ministerial manual, as a kind of *vade mecum* of corruption, I have looked into it, with the hope of seeing something new against those doctrines which I advocate, or at least something old presented in a new light. I own, I have been disappointed. The principal position occupied by the right hon. orator, is, that all is well, and that we should let well alone. If this be so, I can only say to our political Pangloss, that notwithstanding this may be the best possible of all possible parliaments, there is something unfortunate in the condition of those who smart and groan under the diseases of the state; and who are obliged, like poor Candide, "passer par les baguettes des Bulgares."

The right hon. gentleman must not, however, take to himself the credit of this fine discovery. If it be true, it is no *ben trovato* of his. His great prototype is

Mr. Arthur Young, who, in his "Example of France a Warning to Britain," has laid down this law—"an unequal representation—rotten boroughs—extravagant courts—selfish ministers, and corrupt majorities, are so intimately interwoven with our political freedom, that it would require better political anatomists than our modern reformers, to show that we did not in fact owe our liberty to the identical evils which they want to expunge." Sir, this is the whole sum, and the best sample of all that is advanced by the right hon. author of this speech; but, as it looks more like a good joke, than a serious assertion, I will not take up the time of the House by a reply to that, which if it be said in sad earnest, has, I trust, been answered before. It is curious, at the same time, to observe how naturally these anti-reformers fall into phrases which can become none but real representatives of the people, and which suppose the existence of that very representative system against which they so loudly declaim. For example, the right hon. gentleman here tells his Liverpool constituents, as an excuse for coming amongst them, that "he held it to be of the very essence of our free and popular constitution, that an unreserved interchange of sentiment should take place between the representative and his constituents." Now, Sir, I ask you—I ask the House—does the wildest reformer ask for more than this? Does his "very essence of the constitution" differ from what the right hon. gentleman holds to be "the very essence of the constitution?" But, what sort of "unreserved interchange of sentiment" can take place between some representatives in this House and their constituents? What sort of intercourse can these gentlemen hold with the summer-house of Gatton, the stones of Midhurst, and the mounds of Old Sarum? Perhaps we may send our honourable brother members to the woods and wilds to consult the nymph Egeria; they may be silently inspired by the goddess of legislation, but they will interchange no sentiment with a single constituent.

Before I close "the unanswered, unanswerable speech," I would direct the attention of the House to that part of it which expresses surprise that the reformers should complain of the little influence possessed by the House of Commons, whereas "the House, like Aaron's rod, has almost swallowed up the other branches of the legislature." Sir, the reformers make no such complaint. Their complaint is the very complaint of the right hon. gentleman, namely, that this House has swallowed up the prerogatives of the Crown and the privileges of the people. That it has absorbed into itself all the power which ought to belong to the executive, and has rendered the other assembly little more than a chamber, in which those who exercise all their real power in this House meet for formal rather than for real purposes. It is surprising that the right hon. author should not have known something more of the doctrines and complaints of those whom he professes to oppose. If he complains of the exorbitant power of the House, so do we; and there is an end of our principal difference.

I have before noticed an argument, which is also adduced in this pamphlet, from the conduct of the parliament in 1649. I repeat that argument is no argument against those who contend for a free parliament and a true representation of the people of England. The parliament of 1649 was no more a free parliament than we are a free parliament. The parliament of 1649 no more represented the people of England than we represent the people of England. The great question, the triumphant question put by the unanswerable pamphlet, to the reformers is this: "when was the composition of the House different? When had wealth not as direct an influence, and the recommendation of candidates was not equally efficient?" If this posing, this puzzling question has not been answered before in the course of what I have addressed to the House, I would venture to say, as a sufficient reply to it, that as at no previous time were the means of corrupting this body so great, so at no previous time was this body so corrupt as at present. And when I say this body, I mean not only the elected, but the electors, amongst whom corruption is poured through all her thousand channels, and who, in fact, are the only people that are able to withstand, in some degree, the pressure of enormous taxation; because the fruits of that taxation are, in some degree, divided amongst themselves. Show me a single parliament before the Revolution that consented to tax the people without remonstrance, almost without inquiry, and I will give up the point. But I contend such a parliament

cannot be shown, and I come to the inevitable conclusion, that the object for which members seek a seat in this House is totally different from that for which they were formerly deputed to this assembly.

Not that I am ignorant that bad practices have prevailed, perhaps at all times, and that undue efforts have been made in procuring returns to the House of Commons. These instances must have, of necessity, been very rare in times when the sending members hither was a burthen to the constituents, and sometimes a service of danger to the representative. But still they did occur. We learn that one Thomas Long gave the mayor of Westbury four pounds (a good bargain one might think) to be elected burgess for Westbury. lord Coke in his 4th institute (§ 23.) mentions this, but in what terms? He says, "this matter was examined and adjudged in the House of Commons, *secundum consuetudinem parliamenti*, and the mayor fined and imprisoned, and Long removed. For this corrupt dealing was to poison the very fountain itself. It is worth remark that Mr. Locke in his Essay on Civil Government has used the same metaphor in speaking of parliamentary corruption. So thought these great men, but our sages have discovered that it is this poison which makes the fountain salubrious, and that without it the streams of the constitution would yield neither health, nor strength, nor life.

I am told that we have made near a hundred statutes against bribery and corruption, and undue influence in elections. But it seems these statutes were made not to be kept but broken; not to be the law of the land, but merely a sort of pretext to be employed by all, and to deceive none—a mere gross delusion—a ridiculous contradiction of every-day practice. The very great majority of this House are notoriously returned to parliament in defiance of all these statutes; so that to become makers of the law it appears the first qualification is to be breakers of the law. To what vices, to what lies, to what perjuries, to what frauds, to what debaucheries, to what brutalities of every kind does the present system give rise! What insults, alas, too well merited, has this assembly to bear without retort, without refutation! Did not sir Charles Turner tell this House that they were "a set of thieves who had stolen an estate, and refused to let any one look into the title deeds?" Did not bishop Horsley say in the House of Lords, that the reason why clergymen should not have a seat in this House was, because "the means of procuring one were notoriously immoral?" Did not Mr. Speaker Abbot tell us we were in the daily practice of conduct at which our ancestors would have blushed with indignation? (It seems he disagreed with the "unanswerable pamphlet" as to the history of this House.) And lastly, did not the noble secretary at war tell us the other evening, that gentlemen in this House were "obliged to bear language which no man of honour would tolerate in private society?" And why obliged to bear it? Because it is true. Because to attempt a refutation would be absurd. And yet all this monstrous immorality, this law-breaking, this delusion, this infamy, this disgrace is to be borne! and why? Our great statesmen give the answer; because it has existed long—because it does exist. To this I say, with the member for Bramber in 1785, "that to desire to continue a known and an acknowledged evil, merely because some good may result, is an argument such as no human being should urge."

We hear daily praises of this assembly—from ourselves it must be owned—which might deceive an inexperienced man, or one totally ignorant of the real construction of this House and the deplorable condition of the country. It seems we are a good specimen of the gentry of the country. So would a deputation from the clubs of St. James's-street be, but no representation of the people—no real representation of those who are obliged to pay taxes and to obey laws, solely because we are said to be their real representatives—Then we represent the various interests in the country. Another opportunity may be found of exposing this fallacy—or rather this folly, of dividing a nation into interests, and leaving a great mass of neglected population apart, under the name of the multitude—or the people—or some other indefinite term. At present it will be sufficient to ask whether we do represent these interests.—Do not these interests petition us daily, and tell us we neglect them? And when something was said the other day, of the affection of parliament or of the minister, which is the same thing, for the landed interest, was not the declaration received with a horse-laugh?

Another eulogy bestowed upon parliament is, that it introduces clever men to public notice. The hon. mover has very properly exposed that most absurd of all pretences to merit. As if the object of a representative assembly were the same as that of a school or college—to provide a perpetual crop of theme writers and declaimers; instead of forming a true and faithful mirror, in which the sovereign may see the character and condition, the wants and wishes of his people.

Sir; it is extreme folly to be pleased with and to encourage the talents of those who are enabled by those very talents to play a more distinguished part against ourselves. We should examine which side these clever men take before we put them into a situation to foster and improve those abilities which are likely to be directed against the public interest. In the words of a well-written pamphlet just published on this great question, which I have before quoted. "To inspect the lock and trigger of your fowling-piece, and to measure out the proportion of powder and shot with a proper adjustment of capacity, is doubtless of importance: but it is incomparably more important to ascertain the direction in which the muzzle is pointed—for all your other precautions will merely terminate in a dreadful aggravation of your own danger and misery if it be turned against yourself." It appears to me that the muzzle is turned against ourselves, and, for my part, I would rather the lock should be rusty and the charge wet, than see them both so accurately prepared as to be sure never to miss fire or fail of their aim.

I would, at the same time, observe, that there is a gross fallacy in stating that men of abilities would not be returned to parliament if the elections were in the hands of the people; such a supposition arises only from the complete ignorance of our modern statesmen as to the real character of the people, who are, in fact, not so degraded and blind as they think, or as they wish. The instinct which makes every man do the most for his own interest, prevents any great mistake in this matter; and the same good sense which gives the most practice to the best physician or the ablest lawyer, would, I think, secure the requisite share of abilities for legislation in those chosen in a fair competition by a popular body of electors. I have yet to learn that the members of this House, who are sent hither by large communities, according to that system of election which the hon. mover could wish to make universal throughout the country, are peculiarly distinguished for their stupidity, or ignorance, or incapacity for the purposes for which they were chosen.

But, amongst the many other excellent qualifications attributed to the House of Commons as now constituted, should not be forgotten that which has been lately assigned to it,* namely, that "the demagogue finds his level and shrinks to his proper dimensions in six months when once admitted to this assembly:" to this was added, that in case parliament should be reformed, it would be expedient to retain a nest of close boroughs, for insuring the introduction of the said demagogue into the senate at all times. Now, as to the latter recommendation, it arose, I imagine, from the confusion of ideas to which the eagerness to say a smart thing at all hazards will expose even the most experienced debater; for it is the great complaint of the anti-reformers, that in a reformed parliament there would be an inundation, as it were, of more popular orators, and that none but such characters would compose this House under the new form of construction. However, let us not, as I before said, suppose that this hint as to the nest of boroughs arose from any thing more than the wantonness of the moment. But to turn to the eulogy passed on this House.—If it be true that it is framed so happily as to afford a touchstone to the pretensions of public men; to strip the tinsel off a coxcomb who would otherwise remain undetected, then indeed it performs a service to the community. If it shows the value of sounding words, and big promises, and displays the treachery of pretended patriotism, it is also of much use. I suspect, however, that all that can be fairly collected from this eulogy is, that the demagogue has but one vote in this House, and that he is not gifted with the extraordinary quality of inducing men to decide against their own interest, and make a voluntary resignation of their own power. If, however, the demagogue is but six months in finding his level, in shrinking to his proper dimensions, there is a description of persons that do not in six months, no, nor in thirty years, find their level, and shrink

* By Mr. Canning, on the second reading of the Roman Catholic Disabilities Removal bill.

to their proper dimensions here. These are the regular adventurers, the downright trading politicians. The House will easily suggest to itself the sort of being to which I allude; but to prevent mistakes, I would presume to attempt a portrait, not finished, but not exaggerated. A smart sixth-form boy, the little hero of a little world, matures his precocious parts at college, and sends before him his fame to the metropolis: a minister or some borough-holder of the day thinks him worth saving from his democratic associates, and from the unprofitable principles which the thoughtless enthusiasm of youth may have inclined him hitherto to adopt. The hopeful youth yields at once; and, placed in the true line of promotion, he takes his beat with the more veteran prostitutes of parliament. There he rounds his periods; there he balances his antitheses; there he adjusts his alliterations; and plastering up the interstices of his piebald patchwork rhetoric with froth and foam—this master of pompous nothings becomes first favourite of the great council of the nation. His very want of sincerity and virtue qualifies him for a corrupted audience, who look upon his parts as an excuse for their degeneracy, and regard him, not only as the partner, but as the apologist of their common degradation. Such a man may have notoriously spurned at every principle of public morality and public honor; he may have by turns insulted, derided, betrayed, and crouched to every party, or at least every politician, in the state. Sometimes he may have shown all the arrogance of success—at other times have displayed the true tameness of an underling, and have submitted to serve under those in public whom he has conspired in private to ruin and destroy. Yet this man—with

"Beauty that shocks you, parts that none can trust,
"Wit that can creep, and pride that licks the dust"—

this man, I say, shall be courted and caressed in parliament; and he shall never be so much admired, never so much applauded, as when playing off his buffoonery at the expense of public virtue—as when depreciating the understandings or mocking the sufferings of the people. Such a man does not find his level, he does not shrink to his proper dimensions in the unreformed House; on the contrary, he is the true House of Commons hero. Despised and detected as he may be without doors, he finds a shelter in the bosom of the senate. Sunk as he may be in public opinion, he there attains to an eminence which raises him, for the time, above the scorn of his fellow-countrymen. True, his fame is not lasting, but for the moment he is the glory and the shame of parliament: no one equals him on that stage—

"Him, thus exalted, for a wit we own,
"And court him as top-fiddle of the town."

Such a man, I say, Sir, would have no place in a reformed parliament; and if he be either useful or ornamental in a deliberative assembly, it is for him that should be reserved that nest of boroughs which it has been proposed to keep solely for the demagogues. Talents without character would be banished from such an assembly, and the honest discharge of a sacred trust would be the first instead of the last requisite of a public man.

Mr. *Horace Twiss* said, it was not desirable that this House should be a representation of the people in the sense required by the hon. member who had spoken last. The opinions of the people, though trustworthy guides from age to age, were not to be safely followed from month to month; and it was better, in most cases, for the House to be a little behind public opinion, than a little before it. It was a mistake, however, to suppose, as some appeared to do on the authority of the petition presented by lord Grey in 1793, that 157 individuals returned a majority of the House. Among those 157 were reckoned rather unfairly, not only the proprietors of close boroughs, but all men whose property or whose character gave them a leading power in popular elections: beside which error, it was also to be remembered, that 100 Irish members had, since that petition, been introduced by the Union, of whom at least 80 were returned upon popular principles. Nor was the body returned by individual patrons, a united body, pulling together against the people; but a body split into parties; parties, which, in spite of the objection to the principle of party, must always exist, while mankind should continue to differ upon great political measures. The lateness of the hour would withhold him from entering at large into the details of the subject; but he could not help observing upon the misapprehension which seemed to exist as to the probable effect of *triennial parliaments*. For reasons of caution, not less beneficial to the people than to the Crown, parliament

was usually dissolved a twelvemonth before the period of its natural death. He was not aware that this caution would be less necessary in a triennial than in a septennial parliament. This would reduce the regular duration to two years. If to this consideration were added that of the probability of casualties, such as the demises of the Crown, the changes of administration, and so forth, the two years would become little more than one; and thus, under the name of triennial elections, annual elections would be our actual constitution. The inconveniences of our present system—for some there were—we willingly bore as the price of our freedom; but to multiply those inconveniences would be to add nothing to our freedom at home, but to detract materially from our strength and safety abroad: for the result of these perpetual appeals to the people would throw the executive as well as all other power into their hands, and leave the nation in time of war but an unequal match for the vigorous, single-minded despotisms of the continental states.—These were a few among the many considerations which would induce him to oppose the present motion.

Sir *Robert Wilson* said, he rose to support the motion of his hon. friend from his conviction of its necessity and propriety and in compliance with the wishes of 2,000 of his constituents. Before he proceeded to state his reasons for voting for the motion, he begged, in the name of the friends of reform, to offer his acknowledgments to his hon. friend who had brought it forward, not for the talent he had displayed in support of the motion—for that was the natural fruit of his genius and application—but for the industry he had bestowed on the subject. The opinions and views of the great body of the reformers were now embodied. It would now be seen whether the reformers could show, not poison, but balm, for a sickening state. Even the enemies of reform admitted that the reformers were theoretically right in demanding a free, full and fair representation. He could say, from his intercourse with the people of this country, that if reform were a mere theory, it would not have interested them. Many might contend for the victory of truth over fallacy; because fallacy must prove remotely pernicious; but the people would not take a deep interest in abstract theory. In other countries tumults, violence, and massacres had been seen in consequence of the attachment of the people to abstract principles. It was not so in England. The question of reform had taken such deep root, because the people were persuaded that it was necessary for the general happiness and prosperity of the country—because they were persuaded that it was the regulating principle of power and life; of liberty, person, and property. He agreed with the hon. member for Newcastle that it derived great energy from taxation. There were two causes why it did so; first, the people felt themselves oppressed by intolerable taxes upon their industry, to such an extent that 240 days in the year were occupied in earning what they paid in taxes. In the next place they felt this burden more galling because the greatest part of it was for paying the interest of the public debt. The member for Newcastle had argued that the people had considered the war just, necessary, and proper. But a great many had, from the first, been persuaded that the war had been founded in injustice—that it had not been waged for the liberties but against the independence of the people. Great part of the money had been spent to induce persons to become supporters of the war, and to engage the independence of others on the same side. Certainly, a great proportion had been expended to animate industry in order to dispose the people to approve of the war. The very interest had been paid by loans during the war; and the people were content to enjoy the temporary prosperity in the hope of not seeing the evil day; like Louis 14th., who had said that he cared not if a deluge should take place after he was gone. Any people could have been so corrupted; but it was the duty of their representatives to have foreseen the calamities, and to have prevented them. The people now saw that no remedy could be applied by the House without reform. If the House had the will to apply a remedy, they had not the power; because they were without the confidence of the people. The people asked not spoliation, but a remedy that would give them their due proportion of the fruits of their own labour. It was true that they had the liberty of expressing their opinions, and that there was still—thanks to the exertions of hon. gentlemen in and out of parliament—some practical liberty left to the country. The

right hon. member for Liverpool had indeed compared the liberty enjoyed in England with that enjoyed in America; and, after saying that nine tenths of the inhabitants of the United States were in a state of actual slavery, had inferred, that the degree of practical liberty existing in America was less than that which existed in England. He (sir R. Wilson) had never stood forward as the eulogist of the form of government adopted in the United States. He allowed that a large proportion of the population of those states consisted of slaves; but those who urged that circumstance as a matter of charge against America, ought not to forget, that slavery was made a part of its constitution whilst it was under English domination, and that it had recently refused to admit into the union a state which had refused to abolish slavery. But was slavery unknown in every part of the British empire? Or were not slaves a kind of property acknowledged by the law in Jamaica, Guadaloupe, and other of the West-India Islands? Before the right hon. member for Liverpool took credit to England upon that score, he ought to bring in a bill for the abolition of slavery in the West-India colonies. The question of reform did not depend upon mere precedents. The people of England had a right to every improvement in their government which the increased intelligence of the age, the growing knowledge of society, the change in the position of property and the altered temper of the population, rendered desirable; if that improvement was compatible with the safety of the country. Reform was a question which whether it was or was not connected with principles and precedents recognised in the reigns of the Edwards and the Henries, must, at no distant period, be fully recognised by the House of Commons. He should indeed despair of its success were it to depend upon nothing else than its justice: it depended, however, upon other causes —upon the knowledge, the temper, and the courage of the community; and he was convinced that if the reformers persevered with the same quiet and determined spirit which they had recently exhibited, many of the gentlemen whom he saw around him would not sink into their graves without beholding the House of Commons a full, fair, and equal representation of the people.

Mr. *Abercromby* said, that as he had voted in favour of reform in the year 1807, he should have been sorry not to have voted in favour of it on the present occasion—if from no other reason, at least from a desire of avoiding the charge of inconsistency. It was unnecessary for him to refer to the arguments which had been already used regarding what the constitution had been in ancient times; for he was sure that, at present, the existing constitution was thoroughly understood. Changes had been formerly made in the duration of parliament, in the qualifications of its members, and also in the modes of election. This circumstance proved, that the power of making changes in the representative system was not unknown to the constitution; and that such changes might therefore be made in it without any violation of principle, provided that they were at once safe and expedient. Now, there were two modes of reform for the country to adopt—one of them calculated to introduce into the government so many important alterations, that he could never consider it in any other light than that of a revolution; the other, of such a nature as would repair and improve, without demolishing the fabric of the constitution. Of this latter reform he professed himself a warm and steady advocate; at the same time, he felt it necessary to state, that he never could, under any circumstances, give his assent to the plan of reform proposed by his hon. friend the member for Durham. If carried into effect, he could view it in no other light than as tending to a complete revolution. It appeared to him to go too far; whilst that which had been proposed by his noble friend, the member for Huntingdonshire, and pursued in the case of Grampound, appeared to him, on the other hand, not to go far enough. With regard to what had been said in the course of the evening respecting the influence of the Crown, he could not help observing that, notwithstanding the force with which public opinion operated upon the House of Commons, that influence had increased within it to a degree perfectly inconsistent with its integrity and independence. Nobody could entertain a doubt upon that subject who looked to the great increase of the army, the navy, and the establishments for the collection of the revenue which had taken place during the last reign. He should, therefore, defend a considerable modification in the present system; indeed he thought that such a

modification was absolutely necessary to prolong its existence. Referring to the duration of parliaments, he said that he conceived septennial parliaments, to be the longest, and triennial the shortest parliaments, which any rational man would wish to adopt. Though he thought septennial parliaments too long, he could not agree to a bill for limiting their duration to three years, unless some measure was introduced at the same time to restrict the expenses consequent upon elections: for without such a measure, he was convinced that triennial parliaments would throw additional weight, influence, and importance, not into the hands of the people, but into the hands of the Crown. With respect to a place-bill, he felt the same difficulty as he felt regarding the limitation of the duration of parliaments. There could be no doubt that stabillity could not be given to any administration in a country full of active, intelligent, and enterprising spirits like England, without the existence of some solid and permanent body to support it; and, therefore, considerable deliberation ought to be employed before a resolution was adopted to exclude from parliament every individual who held a place under the Crown. Besides, he had himself sat many years in parliament; and his experience did not lead him to think that wisdom had always been on the side of the people, and never on the side of parliament. If, on some occasions, the people had instructed their representatives, on others the representatives had instructed the people. The measure which had recently passed through that House, and which was then under discussion in another place, was an instance in which parliament had instructed the people, and in which the people had not turned a deaf ear to the advice of parliament. If an opinion were to gain ground among the people, that the majority of that House was determined to oppose every species of reform, he should prophesy—and expect his prophesy to meet with a speedy fulfilment—that a conflict would soon take place between the House and the people, which would not terminate without inflicting injury upon both. He had thought it necessary to say thus much to the House, lest he should be supposed to have joined those who received every proposition for reform with the most determined and unrelenting hostility. In giving his vote on this occasion, he wished to be distinctly understood as giving no sanction to the plan which had been introduced by his hon. friend.

Mr. *Fyshe Palmer* intreated the House to enter into a dispassionate investigation of the state of the representation, and assured them that, if they did so, conciliation would take place between themselves and the people; but that, if they did not, a tremendous convulsion would ensue, of which no man could anticipate the consequences.

Mr. *Stuart Wortley* said, he gave the highest credit to the hon. member for the county of Durham for the motives which had led him to bring this question before parliament. That hon. member had introduced it with a gentlemanly temper and feeling, to which even those who could not give him their votes were compelled to give their admiration. Though he agreed with that hon. member in thinking that many gentlemen were returned to that House by the power and under the influence of other persons; and though he believed that there was a strong and general feeling in the country that some reform was necessary in the constitution of it, he would still contend that the House, even as constituted at present, was the only assembly for successfully carrying on the business of the nation. In arguing that point, he must beg leave to inform hon. members, that when they called upon him to look back to distant times for the constitution, he should not look back to the reigns of the Henries, but to those periods in our history in which the great struggles for liberty took place between the sovereign and the people. At those periods he would contend that the rotten boroughs were exactly in the same state of decay as they were at present. He would take Corfe-castle and Old Sarum as his instances, and would challenge the hon. members to point out any time at which they were not under the same species of domination as now existed. They knew both when and how the right of representation had been bestowed on those boroughs, and that knowledge was sufficient to prove the correctness of his assertion. He likewise agreed with the hon. member for Calne, that if the mode of election for members to serve in that House were to be made too popular, the effect of it would be to do away with the House of Lords; and that argument might be considered as of some weight in showing that the influence exercised by peers

in that House was of essential use to the constitution. Honourable gentlemen, on the other side of the House, had said, in addressing themselves to those who sat on his side, "You talk of our making innovations in the constitution by our propositions for reform—and yet the constitution is full of innovations of your making—what, therefore, prevents us from proposing some innovations on our side?" He himself said, that there was nothing to prevent them: if their innovations were safe and expedient, no person could blame them for proposing them; but they, in return, ought not to inveigh against those who thought that the constitution did not stand in need of them. He was glad that the hon. member for the county of Durham had brought forward the discussion of parliamentary reform in that House, because it was a subject that could not be fairly discussed out of it, in such meetings as his hon. friend, the member for Sussex, had been blamed for not attending. He was sure that if the people out of doors should be correctly informed of what was then passing within, the question of parliamentary reform would be viewed by them in a very different light than that in which, for some time past, they had been accustomed to contemplate it: for whenever an important question had agitated the public mind, he had always found that the decision to which the House came upon it tended to soothe and tranquillize that agitation. This had been made more evident than ever by the events of the last three months; for what man amongst them could have divined that the subject which at that time so powerfully distracted the country, and the House itself, should have descended in so short a period into such comparative insignificance? The hon. member concluded by stating, that if the wild visions of reform entertained by some individuals should ever be realized, the limited monarchy of England would be converted into a republic, and an end would be made of our glorious constitution.

Lord *Bury* stated, that the importance of the present question demanded the serious attention of every member of the House, and he trusted that would be his apology for offering his sentiments in support of the present motion. It had been for some time broadly stated, that the representation of the people required reform, and it would be but an idle waste of the time of the House to enumerate those instances in which this statement had been corroborated by facts—by such glaring facts as the boldest supporter of the present system would not venture to explain. But they had been so long, and so unblushingly practised, and they were now so interwoven with the administration of affairs, that it would seem an interference on the part of the people to correct the causes which had produced these melancholy facts, was considered an innovation, and those who seek reform were branded as being disaffected, and as seeking to overturn that, which, in the language of the ministry, "works well for the country." This was the important point; and it would not be amiss to inquire in what respect the present system did "work well for the country." He would ask, did the country present an appearance of universal content—of general thriving industry? Was there any one part of this empire where such would be a true statement? Had not the petitions on the table of the House told a melancholy and heart-breaking story of universal discontent—of ruined trade—of one wide scene of desolation and distress? Had the petitions which contained these distressing facts been answered? No; they had been worse than disregarded. When the people complained, —when they petitioned for relief—bills for the restriction of their liberties had been passed. It could hardly have been thought possible that such things could have been accomplished in the Commons of England. But the power of corruption had prevailed, and the voice of the people had been unheeded. A faction had possessed itself of the powers of the House, into which it had also dragged the powers of the Crown. It had perverted these combined influences to preserve its own political influence, and to destroy the constitutional interference of the people. This faction had so long and so banefully exercised these unwarrantable powers, that the sovereign himself had been continually mixed up with party questions, and identified as a partisan in the measures of administration. This faction, arrogating to itself an exclusive connexion with the throne, connecting itself with the powers of foreign despots, had dared to tell this country, that meetings of the people were farces, and that limits ought to be put to the troublesome applications of those who sought to alter the present well-working order of things. That parliaments were

called for the purpose, *not* of maintaining the political pre-eminence of England on the sound principles of civil and religious liberty—*not* to attend to the prayers and petitions of the people—*not* to preserve the liberties of this country—*not* to reduce enormous establishments—*not* to relieve the burthen which five and twenty years of war had inflicted upon a generous people; but were convened to ratify treaties with foreign powers leagued in one common principle of despotism—to suspend those statutes which stand in the way of arbitrary power—to enact laws which shut our ports against the unhappy fugitive from foreign persecution—to increase enormous establishments—to impose taxes. Such were the purposes for which parliament met; and, unhappily for the greatness and prosperity of this country, such affairs were transacted and carried by majorities of the House. The people in vain required that parliament should represent them, their feelings, their wants, their necessities. To such petitions of the people, ministers, by virtue of the present "well-working system," were enabled to turn a deaf ear; but he trusted that a remedy was at hand, in an amended state of the representation; and that the time was fast approaching when the people's voice would be heard, and this faction be taught, that thirty years of impunity and bad government would have a dreadful retribution. It was under such a system of misrule, that all constituted authority was brought into hatred and contempt. When ministers complained of the increasing prevalence of sedition—when they branded others with disaffection, they should have recollected, that it was their misrule which had excited it; they had made the times—they had created discontent, and they must answer it. It was the notorious corruption which had so long existed, and had been so successfully exercised as to produce these majorities, and which had made this faction triumphant over the Crown and the independence of the people. It was this baneful influence which had left the people discontented, degraded, and at present helpless. The root of this destructive evil flourished in the present state of the representation of that House of Parliament. It was there where the remedy must be applied—it was there where the unbribed representatives of the people must honestly, steadily, and manfully repair the mischief. Until a reform took place there, all that might otherwise be said or done was an idle mockery and insult upon the understanding of the country, which might be inflicted, but could not be long endured. Reform must come, and would come, to teach parliaments for what purpose they were delegated.

Mr. *Martin*, of Galway, complimented the hon. mover on the moderation he had shown; at the same time, he could not support his proposition. The class of resident householders proposed by the hon. member was objectionable as voters. Reform might be carried to an extent that would be not only dangerous, but criminal. During the French revolution, one of the members of the convention told the assembly that they had destroyed the aristocracy of the nobles, the aristocracy of tradesmen and shopkeepers, but still they had another class more dangerous to destroy, namely the aristocracy of talent and genius.—Danton was the monster who made such a proposition. It was an instance, proving that the spirit of reform might lead, if followed, to the most extravagant actions. Besides, scarcely any two persons were agreed as to the precise plan that should be adopted. He would pledge himself that if all the gentlemen on the government side of the House would make their obeisance to the Chair and withdraw, and leave the question to be decided by the gentlemen opposite, the motion would be negatived by the hon. members opposite by an immense majority.

Lord *Milton* confessed that he had always approached this subject with considerable alarm; not that he thought it to be of itself attended with danger, but that he conceived the theories of some of those who pretended to discuss it likely to produce a complete and radical change in the country. Indeed, it had appeared to him, upon all former occasions, that the House of Commons did virtually represent the people; and, entertaining that opinion, he could not conceive how those who called for reform could maintain the attack, which in so doing they made upon the ancient constitution of parliament. On those occasions he had looked with the warmest enthusiasm upon the constitution, and had imagined that upon every point it worked well for the community. A better acquaintance with the practices of parliament—a closer investigation of some of its leading peculiarities, and perhaps a

greater maturity of judgment, had induced him to alter the opinions which he had entertained at his outset in public life. He had seen the House of Commons acting in complete and avowed opposition to the sense and wishes of the people; and, having seen them acting in such a manner, he should have been guilty of the greatest inconsistency had he applied his old opinion to it. The only way in which he could preserve his consistency was, as the House appeared changed to him, to change his opinion, and to avow his change of opinion regarding it. Referring to what had fallen from an hon. member in the course of the debate, the noble lord remarked, that he had not yet gained such an acquaintance with the constitution as to discover that the House ought to stamp the impression of its mind on the people, and not to take its own impressions from the people. Much had also been said with regard to the need that the House had of clever men being admitted into it through close boroughs as legislators. This need he totally denied. The House might be more pure than the Areopagus of Athens or the senate of Rome; but if it did not represent the wishes and feelings of the people, it was not a House of Commons in any constitutional meaning of the word. That the people were fully capable of judging whether the House of Commons did, or did not, do its duty upon sound and constitutional principles, was a tenet backed by the opinion of Mr. Burke; and higher authority the House would scarcely desire. Speaking of the general constitutional conduct of parliament, Mr. Burke said "of all these things, they (the people) are perfect judges, and judges without appeal; but as to the detail of a particular measure or scheme of policy, they have not sufficient of speculation in the closet, nor of experience in business, to decide upon it. They can very well see, however, whether we (the House of Commons) are tools of the court, or their true and honest servants; of all that they can well judge, and I could well wish that upon such points they should always exercise their judgment." The noble lord said, that from all the inquiries he had been able to make, he could state, that the great mass of the middle classes of society were in favour of reform. Referring to a late county meeting, he could assert, that the great majority of the yeomanry thought that reform was necessary. It was one of the alarming signs of the times that persons of the most peaceable habits expressed their opinions, that there was nothing to be hoped for from that House. In recapitulating the different interests which were represented in that House, he feared he must say that there was a court interest greater than all the others; and this, he contended, was a state of things which they must remedy, or it would be remedied for them. He believed that the opinion of the great mass of the people was, that there ought not only to be a change of men, but of measures also. He nevertheless could not agree to the motion, which however beautiful in theory, would be productive of as many difficulties as it would tend to remedy. The House ought to be the representation and not the delegation of the people. In support of the necessity for reform, the noble lord stated, that on a division in that House, upon a popular question of the county members, 86 had voted on one side, and 84 on the other, while, of borough members, there had voted 173 on one side, and 75 on the other; thus clearly evincing that influence could be exerted over the latter class. The noble lord then reviewed the state of representation in Scotland, which, he contended, was neither a representation of the people, nor of property. Although he was far from approving the plan which his hon. friend had developed, and deemed it pregnant with danger to the constitution, he still thought the House ought to go into a committee on the state of the representation, with a view of infusing into that representation a more popular spirit than it at present possessed.

Mr. *W. Williams* said, that from his earliest days he had given his support to parliamentary reform, convinced as he was that nothing but reform could secure the constitution from ruin. He was desirous of tearing from the British constitution all its imperfections. He was realy to admit that parliament did much good. Indeed, the proceedings of 600 gentlemen of talent and education when reported, must do much good when circulated over the country; but the question was, did they do enough? He was persuaded that parliament would continue under a stigma, until some regulation was adopted with respect to small boroughs, which had been found a powerful and dangerous instrument in the hands of ministers. He held in his hand an account of various divisions that had taken

place in that House, but at that late hour would only quote two, to prove the necessity of reform, and both occurred within this present session. The first was on the motion of the marquis of Tavistock, when the numbers were 179 against 324; of the former, 99 were returned for counties or populous places; while of the 324, only 78 were of the latter description. The malt tax would have been repealed if the county members had alone possessed votes on the late divisions. The majority of the county members on a late division on the army estimates, were 32 to 22 against that wasteful expenditure of the public money. The House of Commons ought to have a control over his majesty's ministers. With the same sincerity as the right hon. member for Liverpool had declared, that he would always oppose reform, he also would declare, that he would always support reform, for he thought that it alone could save the country.

Mr. *Honywood* said, that although he was convinced of the necessity of a reform in parliament, yet he was not prepared to go the length of his hon. friend's proposition.

The debate was then, on the motion of the chancellor of the exchequer, adjourned till to-morrow.

HOUSE OF COMMONS.

Wednesday, April 18.

STEAM ENGINES.] Mr. M. A. Taylor rose pursuant to notice, to move for leave to bring in a bill with respect to the law as it affected nuisances by smoke issuing from Steam-engines. Of the pernicious effect of such nuisances, no gentleman could be unaware. The steam-engines productive of these nuisances were not only injurious to the health and comfort but even ruinous to the property of persons who happened to be resident in their vicinity. Of the latter effect, a very distressing instance had come to his knowledge. It was that of a clergyman, who, after having erected additional buildings for the purpose of extending his school, was actually obliged to quit his premises, in consequence of a steam-engine erected in an adjoining field, the smoke from which actually rendered his house uninhabitable. If it were said that this clergyman might obtain redress by preferring an indictment he would answer, that the gentleman could not afford to pay the expence of a prosecution, which, upon a writ of *certiorari*, was much more considerable than might be generally supposed; and upon prosecutions by indictment, it was known that the prosecutor must pay his own costs. Hence, the most pernicious nuisances were often tolerated through the inability of those under the necessity of residing in their vicinity to defray the costs of a prosecution.—He did not intend to interfere with the existing law as to nuisances, or to withdraw from a jury the power of deciding upon any question of nuisance. Therefore he could not accede to the proposition suggested to him of investing two or three magistrates with the power of promptly inquiring into and suppressing any nuisance of this nature by summary process. The matter to which his motion referred, had undergone the consideration of two committees, before whom, the extent of the nuisance, with the practicability of reducing the smoke that occasioned it was fully proved. The hon. member mentioned several places where apparatus was provided in the furnaces of steam-engines to consume their own smoke, and particularly the manufactory of Mr. Parkes of Warwick, which he had himself personally inspected. He also instanced the case of the Lambeth Water-works, where for some time the steam-engine was such a nuisance that although on the other side of the river, neither he nor his neighbour, lord Liverpool, could walk in their gardens in consequence of being overclouded with smoke. How noxious then must that smoke be to those in the immediate neighbourhood of the engine? But he and lord Liverpool had determined to prefer an indictment. Upon intimation, however, of their complaint to the gentlemen connected with the water-works, measures were promptly taken to cure the evil, which had been done effectually by the introduction of a smoke consumer into the engine. But the same cure might be generally applied both in town and country, where such nuisances existed. Now, to remedy this evil, and to encourage people to prosecute, he proposed to proceed upon the principle of the highway act, by which, persons not removing any nuisance upon due notice, were subject to certain penalties; he meant, that if the proprietors of Steam-Engines did not reduce the nuisance to which he referred, upon due notice or complaint to them, it should be compe-

tent to the judge before whom any indictment might be tried, to order the party prosecuted to pay the costs incurred by the prosecutor, and also, before sentence, to order inquiry to be made by proper persons whether the nuisance which was the subject of prosecution could be abated? The hon. member concluded with moving for leave to bring in a bill "for giving greater facility in the prosecution and abatement of nuisances arising from furnaces used in the working of Steam-Engines."

Mr. *Tremayne.* was favourable to the general principle of the bill; but doubted the expediency of applying its provisions to the cases of engines worked in the mining districts.

Mr. *D. Gilbert* said, that the hon. gentleman's bill must be considered as almost tantamount to a new law: it would therefore be necessary to guard against the interruption of important works, on account of a trifling inconvenience or proceedings from groundless complaints.

Sir *M. W. Ridley* supported the bill, and mentioned the instance of a steam-engine in one of the largest collieries in Northumberland, where, by the application of proper machinery, the smoke had been so reduced as to lose all its offensive power.

Mr. Alderman *Wood* said, that as there were no complaints of steam-engines in Cornwall he thought it would be better to exempt that, and perhaps some other counties, from the operation of this bill. If some such limitation were not adopted the bill would probably have to encounter great opposition. Cornwall itself they all knew, might send a pretty considerable force in hostility to it.

Mr. *M. A. Taylor* expressed his determination not to exclude any particular county. If the House should agree to introduce such a provision, he would abandon the bill altogether.

Leave was given to bring in the bill.

REFORM OF PARLIAMENT.] The debate on Mr. Lambton's motion "That this House do resolve itself into a committee of the whole House, to consider of the State of the Representation of the People in Parliament, being resumed,

Mr. *Wyvill* expressed his earnest hope, that the House would accede to the motion of the hon. member. In the present distressed state of the country, when the amount of the taxes was three times as great as it was thirty years ago, reform was loudly called for by the voice of the people, and that voice it would be neither wise nor expedient to disregard.

Mr. Serjeant *Onslow* thought the measure which the hon. mover had in contemplation was in every way the most objectionable that could be proposed. It was even more obnoxious than the plan of universal suffrage, seeing that it would, if agreed to, involve the complete disfranchisement of a great number of persons who had committed no crime whatever. He knew he should be told that the persons whom it was thus proposed to strip of their franchise would still enjoy the right of voting in common with others; but still it was evident that they must in a manner be lost in the great mass of persons among whom it was intended to distribute the elective franchise. Great stress had been laid on a paper circulated in the year 1792 or 1793, in which it was stated that a certain number of peers and commoners returned a majority of that House. He had made it his business to inquire into the statements contained in that paper; and though it was sanctioned by the countenance of several persons of the highest respectability, he had never seen such a tissue of mistakes in his life, as that document presented. The names of peers had been put down in that list as returning members to that House, merely because they exercised the legitimate influence of their high lineage and distinguished characters. It was absurd to say, for instance, that the duke of Devonshire returned the member for Derby, because a member of the illustrious house of Cavendish was elected the representative of that county. He trusted, that great property high character, and amiable manners, would always maintain their natural influence in that House. He did not wish to trespass upon the time, when so many hon. members were anxious to address the House, but he could not sit down without entering his solemn protest against a measure which went to deprive any man of his franchise upon mere speculative grounds.

Mr. *Sykes* observed, that he rose to discharge a duty which he owed to his constituents, rather than with the hope of throwing any new light on the subject. He felt no difficulty in saying that he was disposed to agree to the motion of his hon. friend, and should vote for going

into a committee. It was not his intention to go back to the time of the Saxons with the view of inquiring into the origin of the constitution of parliament, and comparing the *commune concilium* of old. with the parliament of the present day: it was enough for him to consider what was the present state of the representation. He, for one, would not be contented with any thing short of a fair representation of the people in parliament; and in this view he was supported by the authority of Mr. Burke, who had said, that the House of Commons should be the express image of the feelings and wishes of the people. This was not the sense in which the hon. member for Yorkshire interpreted the opinion of that great man; he seemed to have read Mr. Burke in a different edition from that which he (Mr. Sykes) had seen, for his notion seemed to be this, that the House of Commons should be the express image, not of the feelings of the people but of the feelings of the minister of the day. If the people were, however, entitled to a real representative government, the other question was, whether the people at present were or were not really represented? He had no hesitation in saying, that they were not. If any one doubted this, the recent votes of that House ought to produce complete conviction. He appealed to those votes for the proof of what he advanced, as well as to the vote in the case of the Queen. There the people of this country almost *unâ voce* petitioned that her majesty should be restored to all her rights and the House decided against them by majorities nearly as large in proportion, as those which agreed to the petitions in the country. The petitions of the people against extravagant expenditure had had no better success. The demands of ministers, however exorbitant, met with the ready concurrence of the House, and in the estimates not a shilling was reduced in compliance with the universal prayer of the nation. It was not enough that there should be able and wise men in that House; if such were sufficient on that ground alone to represent the people, they might as well invite them from foreign countries as look for them at home, but they wanted men in that House who had the feelings of Englishman: there were many clever and ingenious men in that House, but the defect was, that they were not returned by the people. He would rather have a pure representation, than any talent which a corrupt system could introduce. He did not know whether reform would have the effect, as had been said, of bringing into that House none but men who were "as wise as serpents and harmless as doves," but at all events, though some might be returned of a different character, he would prefer purity of councils in that House to the display of the most distinguished abilities without it. He was therefore decidedly of opinion that the House ought to go into a committee, though he did not, in every respect, approve of the plan proposed by the hon. member for Durham. The great vice of that plan was, that it excluded a certain description of electors whose interests ought to be represented; for instance, it shut out all artizans who were not householders. He did not approve of universal suffrage: no man abhorred it more than he did; but he thought that the artizans should have a share in the choice of representatives. This, however, could be discussed when they went into a committee. If he might give his own opinion with respect to the plans which had been proposed, he would say that the first and most efficient plan which he knew of, was that of lord Chatham, by adding to the county representation and transferring the franchise from decayed boroughs to large and populous towns. It was no objection to urge against going into committee, that the reformers were not agreed among themselves as to their plans. If those plans did exactly tally with each other, it would be said that they had all come from the same *officina*. It had been well observed on the preceding night, that the differences of opinion among the religious reformers, did not prevent the establishment of the reformation, yet their differences were more numerous and more important than those of the political reformers of the present day. They differed upon both doctrine and discipline, and yet were now enjoying the blessings of the glorious triumph of their cause. He had early entertained a conviction of the necessity of reform, and was proud to profess the principles of Fox Savile, and Chatham. It must be evident to every one, that reform was in its progress, and could not be stopped. He would therefore rather deal with it now in a friendly manner, while that might be done, than when it should have assumed a character of violence.

Mr. *Benett*, of Wilts, said, he would not go at any length into the question then. It was sufficient for him to know that corruption did exist in the representation; and, as far as he knew, that House ought to be the real representative of the Commons of England. The influence of the Crown by peers and other individuals, was too great in that House to allow it to be a pure representation. They were therefore bound to vote for a committee, in which the state of the representation could be considered. As to the plan proposed, many objections might be taken against it. As to the point of shortening the duration of parliament, he was not prepared to decide upon that, and say what should be the exact term of duration; but he could not see how any man who wished for the purity of parliament, could vote against going into a committee. No man, by giving his vote for that committee, pledged himself to any specific plan. If the hon. mover had not presented a bill, the charge would have been made, which had been often made before, that nothing was referred to the committee to decide upon. If the entire plan was not adopted, he hoped some parts of it would. It could not be denied, that a certain corruption did exist with respect to the return of members, and it was not the nature of corruption to stand still. But it was said, that the machine of parliament worked well—it might do so at present, but if the principle was unsound, it could not work well long. Those who supported reform, were told, that it was necessary ministers should have a certain power in that House; for if they lost a majority, they must retire from office. He could not subscribe to this doctrine; for if it was necessary that ministers should always command a majority, why were the members on his side of the House to come there and lose their time and health, in vainly endeavouring to teach ministers that the acts of public men should be subject to the control of parliament? He hoped to see the time when the House of Commons would once more represent the people, and when seats should not any longer be sold like cattle in the market. He knew that the sale of seats was arranged upon a scale of such sytematic corruption, that they brought different prices, according to the freedom of voting. But, whatever the plan for efficiently reforming the representation might be, the notorious existence of corrupt practices was ground sufficient for going into the committee.

Captain *Maberly*, in giving his sanction to the motion for a committee, was anxious to guard against the supposition that he sanctioned the bill which his hon. friend had in contemplation. He had no hesitation in declaring himself to be a reformer, but one of the most moderate description; and therefore he could only approve of such a plan of reform as was moderate and temperate in its principle. It could not be denied that there were defects in the representation; and it was natural that there should be, for it was not the result of systematic wisdom, but arose in the course of events, and adapted itself to circumstances, still carrying with it the traces of those remote ages from which it first sprung. The defects he conceived to be these—that several large towns, which, on account of their opulence, commercial importance, and populousness ought to have representatives, were at present unrepresented. In the march of time, another defect had arisen, corresponding to that, it was, that several towns, which had once a degree of opulence and consideration, ceased to possess them, and yet were represented. It was his idea that these latter places should be disfranchised, and their franchise conveyed to the others which were entitled to it. This would have the effect of conciliating the people, who were naturally irritated, from the absence of that political power which they had a right to possess. He then entered into an historical statement to show that there was of old a discretionary power in the Crown to disfranchise boroughs. No less than 68 boroughs had been disfranchised which formerly sent members to parliament, and several boroughs had claimed exemption from returning representatives. As the Crown had that discretionary power formerly of disfranchising boroughs, and exercised it in so many instances, he did not see why the entire legislature was not competent to exercise such a power, when necessary, to rectify the representative system in conformity with the spirit of the constitution. He then stated that he strongly objected to the present bill: it started upon a wrong principle, by recognising householders as competent to vote, it made property the basis of the right of voting, and if property was made the basis, the number of votes ought to be

increased, on a scale graduated according to the value of that property, and in proportion as householders were taxed; but to make property the basis, and then proceed on a principle of equality, was an objection not to be overcome. He could not agree with those who were of opinion that the House should be purely popular: he believed it was necessary to the true support of the state and the laws, that both the peers and the Crown ought to have some influence in that House. He did not think it should too exactly represent the will of the people. He could refer to historical facts to show, that a House of Commons, wholly returned and influenced by the popular will, was not the best for promoting the prosperity of the country. The long parliament was an example of this kind: that parliament was supported by the whole power of the people; but the check of influence being removed, it overturned both the House of Peers and the throne. He appealed for the truth of his positions to the parliamentary history in the reign of Charles 2nd. On the whole, he would prefer that that House should be connected with the Peers and the Crown, and be in some measure under the direction of secret influence, than that it should be controlled by the harsh and overbearing power of popular clamour.

Mr. *Ramsden* said, he would vote for going into the committee, as he was perfectly satisfied of the necessity of some effectual reform of that House. In this conviction he had been greatly strengthened by what had taken place in the latter end of the last, and the commencement of the present year. He could not forget the very general outcry from all parts of the country against the misconduct of ministers towards the Queen. Indeed, he could not understand what object they could have had in view, in lending themselves to that act of oppression. But he would not dwell farther on that subject, as it had passed by. On a recent occasion he had supported the motion of his noble friend (lord J. Russell) for disfranchising a corrupt borough, and transferring the franchise to the large borough of Leeds. Such a reform as that was absolutely necessary; although he considered that the main benefit of the measure had been taken away by the qualifications for voters introduced by the hon. member for Yorkshire, and which, in his opinion, left the bill not worth the acceptance of the borough of Leeds. His principal object in rising, was, to state, that although he would consent to go into the committee, he would not pledge himself to go the whole length of the plan which his hon. friend intended to propose. He would agree with his hon. friend in shortening the duration of parliaments, provided some means were found of lessening the expense of elections. With respect to that part of the intended bill which would go to divide the country into districts similar to those in France, he could not consent to it. The great object of reform which he looked to, was the removal of that steady band of placemen who came down to that House ready to vote away the liberties of the people, if such should be proposed by ministers. No reform, he conceived, would be effectual which did not remove so great an evil. His notion of parliament was, that it ought to be the people's House, and that the executive should have a controlling power any where else rather than in those walls.

Mr. *Harbord* said, he was anxious to state the grounds of his vote thus early in the debate, because he was satisfied that nothing but the most commanding eloquence would be sufficient to arrest the attention of members at a later hour of the evening. He would not now enter into the details of the question of reform, but would give his vote for the motion on the ground of necessity; for, to quote the opinion which had been so frequently referred to, he was satisfied that, if reform did not take place from within the House, it would from without. Therefore, in voting for it, he thought he should be doing not only an act of justice, but also one of necessity. If he were asked what species of reform he would wish to have effected, he would say, that which gave to the people that power of which they were now deprived—an effective check over the enormous expenditure of the public money, and also a check on those coercive measures which had been carried to so great an extent by the present administration. He did not speak of one administration alone; for he would not give his support to any set of ministers who were not substantively pledged to the question of parliamentary reform. It might be said, that if the reform spoken of took place, the House of Commons would swallow up the power of the Lords and of the Crown; but that was a result which

he thought could not be expected; for no man could believe the state to be secure, unless the Crown and the peers had their just influence in the scale of the constitution. As to the influence exercised by ministers, great as it was, he did not think it was so very extensively exercised as it might be, considering the temptations and the means they had; and he thought also that the House and the country ought rather to be obliged to them for not having carried their influence farther; but what he wished to see done was, that those temptations should be removed from them. In conclusion, though he did not go the length of supporting the whole of the plan of reform recommended by his hon. friend, he could see no objection whatever to going into a committee on the subject.

Mr. *Ricardo* observed, that the subject of reform was the most important question which could come before that House. He was anxious, therefore, to declare his opinion with reference to it. He agreed with the hon. member for Durham, that it was quite necessary the House of Commons should truly represent the people. It was not necessary for him to have the proof of the recent votes of the House to be convinced that the people at present were not represented. From the manner in which that House was constituted, he was quite certain before of that fact. He would, therefore, embrace any plan which was likely to give the country an efficient representation, and should consequently support the measure now proposed. There was only one thing respecting it which he regretted; and here he was sure that what he was about to declare would be very unpopular in the House: he regretted that his hon. friend did not propose the introduction of voting by ballot, which he thought would be a greater security for the full and fair representation of the people than any extension of the elective franchise. The people would then vote for the man whom they should consider as best calculated to support their interest, without any fear of the overwhelming influence of their superiors. It might be said, that if this were to take place, the effect would be, that in time the people would get rid of the Lords. He denied that this would be the effect. The people would never, when left to their own free and unbiassed choice, be anxious to get rid of that which they considered the instrument of their good government; and unless gentlemen were prepared to assert that the Lords were an instrument of bad government, which he believed nobody would assert, they could not entertain any rational fear that the people would be anxious to get rid of them.

Mr. *D. Brown* would be willing to give up the present system for any better one that could be offered; but finding that it worked well, he could not consent to make the changes now proposed, without having stronger grounds for doing so than had yet been adduced.

Sir *G. Robinson* said, he would vote for going into the committee, although he could by no means agree to all the parts of the plan proposed by the hon. member for Durham. That some reform was necessary had been abundantly proved during the present session by the way in which the petitions of the people had been treated in that House. It was impossible, indeed, that the people could expect redress of their grievances from a House of Commons constituted as the present was.

Mr. *T. Wilson* said, he could not consent to go into the committee; at the same time he would be at all times ready to give his vote for the redress of any specific grievance which was pointed out. Whenever any instance of corruption in any borough came before the House, he would be willing to vote for its disfranchisement. He could not concur in the principle that a member of parliament was bound by the opinion of his immediate constituents. It was his duty to consider, not so much the particular wishes of those who sent him, as the general welfare of the whole community. If members were to attend to the wishes of the people, one wish would be, that they should not pay any taxes; and he should be glad to know how the business of the country could be carried on without taxes. The effect of the proposed bill would be, that the constituents would have too much control over their representatives. He was aware that in many places at the present moment, if a member happened to differ from his constituents he ran the risk of losing his seat. This, however, was not the case in the metropolis; and he could say that in the whole course of his canvass, he had only in two instances been questioned as to what his conduct would be in parliament. He did not consider himself as by any means bound to adhere invariably to the opinions of those whom he represented. Certainly,

he should be ashamed of himself if he did not feel warmly for the interests of his constituents; but when once sent to that House, he considered himself bound to look at the interest of the whole community.

The *Chancellor of the Exchequer* said, that he was almost tempted on this occasion to follow the advice which had been given by his hon. friend the member for Galway, and to allow the question to be decided by the honourable members on the other side, in the full confidence that it would be negatived, for certainly no two members on that side seemed to be of the same opinion with regard to the plan which had been detailed by the hon. member for Durham. Much, however, as he disapproved of the plan of the hon. member—although he wished to pay his full tribute to the temper and moderation with which the hon. gentleman had brought the subject forward—he thought it much better, if the House must enter on the subject at all, to enter upon it with a reference to that plan, rather than to accede to the vague, general, and indecisive recommendation to go into a committee to examine the state of the representation, without having any particular proposition whatever before them. Such a step would be to condemn the existing order of things, without being put in possession of any definite measure by which it was proposed to amend it. If they went upon some distinct plan, it might be judged of by comparison; but in the committee the hon. member intended only a general resolution, which could bring them to no decisive measure. The proposed bill of the hon. mover would make a most important alteration in the nature and principle of elections, especially in relation to copyholders, leaseholders, and, in short, county representation generally. The extension of the franchise to householders would be very nearly equivalent to universal suffrage; but the general disapprobation the plan had met with, rendered it needless for him to go into its details. It had been taken for granted, that a great majority of the people were anxious for parliamentary reform. Now, he saw no evidence of such a feeling, and he did not believe that it existed. It was true that many petitions had been presented to that House, but they were all, whether proceeding from agriculturists, merchants, or manufacturers, founded on some particular and specified grievance, which no reform of parliament could remedy, because the objects of the petitioners were wholly inconsistent with each other. It was, in his opinion, an assertion equally unfounded, that the House of Commons, as now framed, did not speak the sense of the people. On the contrary, he had never known an instance in which the sense of the people had been expressed on any subject decidedly, and after due deliberation, and had failed to sway the majority of parliament. The abolition of the slave trade was, in the first instance, not agreeable to the wish of the House of Commons, who were apprehensive of the innovation, and of the injury which particular interests would sustain from it. But the opinion of the people having been decidedly and deliberately formed in favour of that great question, and enforced at various periods, it at length prevailed over the reluctance of parliament, and the abolition was effected. But although parliament was in many cases induced to follow the opinion of the public, it not unfrequently corrected their errors. The public were greatly led by the press, which mixed up with many facts and much sound argument, so much fallacy and misrepresentation, as to impose upon the public to an extent from which the better information and good sense of parliament alone could relieve them. A great deal had been said of the influence of the Crown in that House. In his opinion, that influence had of late years been much more than counteracted by a variety of circumstances; among which were the greater publicity given to the proceedings of parliament, and the consequently greater freedom with which those proceedings were discussed by the public. So great indeed was the influence of the press, under the almost unrestrained liberty which it enjoyed, that he did not wonder that foreigners were constantly apt to apprehend that this country was on the eve of a revolution or convulsion. Year after year such persons were deceived on the subject, because they were not aware how habituated this country was to the utmost licence of discussion on public affairs. Undoubtedly, the advantage of such a free discussion was not unmixed with mischief, but the good very much preponderated; and one most important benefit resulting from it was, that it rendered any attempt on the liberties of the people, from whatever quarter it might proceed, as hopeless as the most sanguine reformer

could desire. Never was there in any country a greater degree of practical liberty than was enjoyed by this country under the form of parliament which it was now proposed to overthrow. Such being his opinion on the general question of reform, and the particular plan proposed by the hon. member for Durham not having received the approbation even of those who were the friends of reform, he could see no result from agreeing to the motion for going into a committee, but that of producing a great deal of public agitation to no purpose.

When the Chancellor of the Exchequer sat down, there was a general cry for the question. Strangers accordingly withdrew; but in a few minutes the gallery was re-opened, and we found Mr. Canning on his legs. Before the confusion, however, had subsided, the right hon. gentleman sat down; and strangers were again ordered to withdraw. We were unable to hear a single word that Mr. Canning uttered; but we were given to understand, that he said, that in the absence of the principal members on both sides of the House, who were in the habit of taking a part in their discussions, and in the absence even of the hon. member for Durham himself, he felt it his duty to abstain from making any observations on the subject, or from interfering with the general disposition which seemed to exist in the House, to proceed at once to decide upon the motion. The House then divided: Ayes, 43; Noes, 55: Majority against Mr. Lambton's motion, 12.

List of the Minority.

Allen, J. H.	Mackintosh, sir J.
Bernal, R.	Monck, J. B.
Blake, sir F. •	Milton, visc.
Bennet, hon. H. G.	Martin, John
Bentinck, lord F.	Maberly, W. L.
Barrett, S. M.	Maberly, J.
Crespigny, sir W. De	Nugent, lord
Callaghan, col.	Price, Robt.
Curwen, J. C.	Plumer, W.
Coffin, sir Isaac	Ricardo, D.
Denman, Thomas	Rickford, W.
Ellice, Ed.	Ramsden, J. C.
Folkestone, visc.	Sykes, D.
Gordon, R.	Smith, W.
Grattan, J.	Scarlett, Jas.
Gaskell, B.	Smyth, J. H.
Haldimand, W.	Tierney, rt. hon. G.
Harbord, hon. Ed.	Talbot, R. W.
Heathcote, G. J.	Williams, W.
Hutchinson, hon. C.	White, W.
Jervoise, G. P.	TELLERS.
Lushington, S.	Calcraft, J.
Lloyd, M.	Whitbread, S. C.

The order of the day being then read for the second reading of the Scotch Hereditary Revenue bill, lord A. Hamilton was proceeding to make some observations on the bill, when Mr. Lambton, who had been absent during the division on his own motion, entered the House, and a laugh was heard from some members as the hon. gentleman was passing on to his seat.

Mr. *Lambton* said, that on entering the House, he had heard a laugh, and from the countenance of some hon. gentlemen who took a part in it, he was led to suppose that the laugh was directed at him. He wished that any of those hon. gentlemen would stand up, and avow that such was the case. Some of those to whom he alluded would doubtless have the manliness to do so, if they felt conscious that the imputation was well-founded.

The *Speaker* said, the House must feel that its own dignity would be best consulted and most effectually secured, by taking care that no member should meet with any treatment inconsistent with the rules of order and decorum. Whether the offence was conveyed in language or by any other mode, it was the duty of the House at once to put it down. But as the hon. member himself expressed some doubt, he would submit to him, whether the circumstance was such as could be preferred as a charge, and whether it might not be fairly presumed that nothing improper was intended.

Mr. *Lambton* begged shortly to state the circumstances of the case. He had that evening retired to take some refreshment, after the discussion of the measure which he had introduced had commenced —not having taken any refreshment during the whole of the night before.—On his return to the House, he was surprised to hear from the hon. member for Middlesex, that the division had taken place. On entering the House he could not help observing that the attention of several members was directed to him in a very peculiar manner. Among others he would appeal to the hon. member for Chichester (Mr. Huskisson) and to the hon. member for Londonderry (Mr. Dawson), whether they had not particularly directed their attention towards him with a smile. He would move, "That the House do now adjourn."

The *Speaker* must remind the hon. member, that he had introduced the present topic at a time when there was already a question before the House, and

when an hon. member was in possession of the House; therefore, it was not competent for him to move an adjournment until that question was disposed of. He would again put it to the hon. member himself, whether by possibility the dignity and decorum of that House could, in any way whatever, be increased—or he should rather ask, if it could be preserved—by continuing the conversation? His opinion was that it could not; and if the House went along with him in that opinion, he trusted that it would support him in it.

Mr. *Lambton* said, he bowed to the decision of the chair, and certainly would not pursue the subject further. He must, however, lament the unfortunate situation in which he had been placed, and that it should go forth to the people, that this question had been taken by surprise, and had not received that full and mature consideration to which it was entitled.

Mr. *Huskisson* denied that the smile on his countenance had any reference whatever to the entrance of the hon. member for Durham. It arose from a totally different cause; namely, a conversation which he was at that moment holding with his hon. friend, the member for Londonderry. The fact was, that he had been absent from the division as well as the hon. gentleman, and regretted it quite as much as he could do. So far from his having used any expressions of contempt towards the hon. member, he was wholly unconscious of his presence in the House, until he had risen to make his complaint.

Mr. *Dawson* also stated, that he had not been present at the division, and that he was never more surprised than at the charge of the hon. member for Durham, of whose entrance into the House he was entirely unconscious.

Mr. *Whitbread* did not rise to prolong the conversation, nor to take his hon. friend the member for Durham under his protection. He wished merely to observe, that other hon. members must not judge of his hon. friend's feelings upon the unexpected termination of the debate, by their own. The situation in which he stood with regard to the measure, made it much more a matter of regret to him than to any other person. He was apprehensive that the country might be dissatisfied with the manner in which this great question had been disposed of.

Mr. *Brougham*, in consequence of what had fallen from his hon. friend who had just sat down, wished to observe, that the close of the discussion upon the late motion, in the absence of its mover, arose from pure accident, which might have happened to the most attentive member of that House. Indeed, if there was one member more attentive than another, to whom such an accident might occur without raising a suspicion of neglect, it was to his hon. friend the member for Durham. He must likewise observe, that he could not see why the absence of his hon. friend must necessarily prevent either the progress or the termination of the discussion.

HOUSE OF COMMONS.

Thursday, April 19.

Petition from London and Westminster respecting fining a Defendant during his Defence.] Mr. *Hobhouse* rose, to present a Petition, to which he requested the attention of the House. It was upon the same subject as that which, some days ago, he had presented, with respect to the power of a judge to fine a defendant in the course of making his defence, and which he had been urged to withdraw, because it was deemed inadmissible, in consequence of an impression that there were some words in the petition which implied an irregular allusion to the speech of a right hon. member of that House. These words were therefore omitted in the petition which he held in his hand, and which was signed by a number of the respectable inhabitants of Westminster and London. This petition did not indeed contain any thing against which the most scrupulous person could make any objection. Upon the merits of the petition or the object which it had in view, he would not then trouble the House with any observation; but seeing the hon. member for Surrey in his place, he thought it right to take that opportunity of correcting the misrepresentation to which that hon. member had called his attention, with regard to the remarks imputed to him as to the conduct of the chairman of the Surrey sessions. He had never said, as was alleged, that this magistrate had sanctioned, or had been in any degree concerned in, packing juries, but that he was under a mistake as to the extent of his power to impose a fine upon any person for contempt of court. The conception therefore of the chairman was quite erroneous. The hon.

member concluded with giving notice of his intention after the holidays, to make a substantive motion with respect to the power improperly assumed by the judges of fining for contempt.

The petition was then read, setting forth "that the petitioners have heard with deep regret that a petition to the House has been rejected without being brought up, and read; the petitioners will on this occasion say nothing of the right established at the Revolution in 1688, but the petitioners are the more aggrieved at such a determination on the part of the House, inasmuch as they have heard that the said petition prayed for the interference of the House on a subject of the highest importance, not only to the petitioners, but to the whole community; the petitioners beg leave to state, that without entering into the particular case of Thomas Davison they have always been taught to believe, and do believe, that summary fining a defendant during the course of his defence is not sanctioned by any principle of English law, or by any practice; they apprehend that such a power ought not to be lodged in the hands of any judge, it being inevitably liable to abuse, and tending to produce greater mischiefs than those of which it intends to prevent; the petitioners have always understood that even the meanest of the people had a right to apply to the House of Commons, for the purpose of causing to be corrected the errors into which even the highest public functionaries must occasionally fall; and they have also been informed, that, for the especial purpose of guarding the administration of justice from abuses, the House has at this time sitting a committee, to which, in their judgment, the petition of the said Thomas Davison might have been wisely and safely referred; the petitioners would press upon the reflection of the House, that if the people of England should adopt the opinion that the House will hear no complaint against any person entrusted with the administration of justice, the House will then totally lose its importance in the eyes of the nation, and will be regarded rather as the encourager than the corrector of the worst abuses; the petitioners are satisfied that no decision of the court of King's Bench can sanction an act which is an innovation upon immemorial usage, and although they are aware that a judicial appeal lies from that decision to the House of Lords, yet they also know that the House has the means of checking any practice in any department of the executive government which may appear to infringe upon the rights of the subject; the petitioners therefore pray, that the House will be pleased to direct the committee for the administration of justice to institute an inquiry into the claim set up by the judges summarily to fine a defendant during the course of his defence, the said practice appearing to the petitioners to be wholly arbitrary, illegal, and unjust."

On the motion, that the petition do lie on the table,

Mr. *Sumner* said, he thought he could not better vindicate the conduct of the chairman of the quarter sessions, than by reading to the House the statement which that gentleman had drawn up, in consequence of the observations which had fallen from the hon. member for Westminster, on a former night. Mr. Harrison admitted, that he told Mr. M'Creery, that if he pursued the line of observations which he was addressing to the Court, he would render himself unfit to serve on any jury, and that if he did not sit down, he would fine him. When Mr. M'Creery afterwards called upon him to explain these expressions, the chairman told him, that in his opinion, he did not possess that temper which was requisite for the proper discharge of a juryman's functions; upon which Mr. M'Creery rudely retorted, that Mr. Harrison stood precisely in the same situation. The hon. member panegyrised the conduct of the chairman, and observed that the county of Surrey was under great obligations to him for his services.

Mr. *Hobhouse* said, he had never imputed to the chairman any thing but a mistake as to the extent of the power which he possessed. He begged to observe, however, that he knew Mr. M'Creery, and that his claim to respectability was fully as great as that of Mr. Harrison.

Mr. *M. A. Taylor* said, that to assert that a court of civil or criminal jurisdiction could not fine persons for any contempt or breach of order, was a most extraordinary doctrine. He believed the power of courts to fine for contempt was as indisputable as any point in the law of England; for how could they vindicate their authority, if they had not the power to fine? Undoubtedly there were cases in which commitment was necessary, but surely the more lenient course was, to fine.

Mr. Serjeant *Onslow* said, that all courts of record, from the highest to the lowest, had the power both of fining and imprisoning for contempt, and he believed that was the first time the power was ever doubted.

Mr. *Denman* admitted, that courts of record had the power both of fining and imprisoning for contempt, but maintained that fining summarily might be the severest mode of punishment which could be resorted to. It might possibly happen, from the pecuniary circumstances of a defendant, that the infliction of a summary fine would have the effect of subjecting him to imprisonment for life.

Ordered to lie on the table.

COMMERCIAL INTERCOURSE WITH IRELAND.] Sir *H. Parnell* rose to move for a select committee to inquire into the Commercial Intercourse between Great Britain and Ireland. He stated his object to be, 1st. That all goods subject to excise duties should be relieved from drawbacks and countervailing duties where the internal duties were equal; and where they were different, that the difference only should be drawn back, or paid. 2dly, That all foreign and colonial goods should be subject to the same regulations. 3dly, That the Union duties should be repealed on all articles not made in Ireland, and continued for a limited time only on those particular manufactures which actually existed in Ireland, and for which large capital and machinery were necessary. 4thly, That all the trade between both countries should be placed on the footing of the coasting trade as to Custom-house documents, port and other charges. 5thly, That the luggage of travellers should be exempt from search, except under particular circumstances of suspicion. And 6thly, That the currency of both countries should be assimilated. The hon. member said, that the policy of adopting several of these measures was so evident, that there was no necessity for making any detailed observations upon them; but on some of them there prevailed a difference of opinion, which required to be more fully discussed. As to the subject of the union duties, the question was, whether any circumstances existed to justify such a great departure from all sound principles of trade; did the interests of a few manufacturers justify the raising of the prices on all manufactured goods to the whole mass of consumers? Were their interests really so much concerned in these duties as it was generally conceived they were? The act of last year continued the Union duties of ten per cent on twenty articles of industry when imported from Ireland into England, and from England into Ireland for twenty years to come. If those articles were divided into four classes, the first would contain various articles not made in Ireland, and therefore not requiring protection: these were earthenware, plated-ware, about twenty sorts of cotton manufacture, fifteen of woollen, and as many of silk and iron, not manufactured in Ireland. The second class would contain articles on which no great capital, and no machinery were employed: for instance, apparel, millinery, haberdashery, and sadlery. The third class would have articles on which the duties were positively injurious to the Irish manufacturer, namely, brass wrought, under which was found all that English machinery, which was absolutely necessary in Ireland, and the materials of coaches, which could not be dispensed with by any good coach builder. The fourth class would contain those remaining articles which were commonly considered to require protection, namely goods of cotton, woollen, silk, glass. But there was one circumstance which made it at least appear questionable, whether any protection was really necessary for these manufactures; and that was the exportation of all these goods from Ireland to foreign countries, where they were sold with a profit, though in markets which were equally open to English manufactures. But the part of the subject which was unquestionably injurious to the Irish manufacture, was, the duty of 10 per cent on Irish goods, when imported into England. This limited the market to the market of Ireland, and absolutely prevented the possibility of any extended system of manufacture in Ireland. The whole consumption of cotton goods in Ireland, did not exceed in value 500,000*l.*; and these could be supplied by one single establishment in a flourishing state of manufacture. This matter was usually overlooked; it was not known by many, that the duties were reciprocal. The policy of the Irish parliament which established this limitation of market, carried with it the prohibition of extended manufactures, when by name it professed to protect them. A greater error never was

committed by any legislature; and a greater misapprehension could not exist, than that which led the manufacturers of the present day to believe, that the continuance of the Union duties was of any advantage to them; on the contrary, they would fetter their efforts, deprive them of the only support of a permanent kind, namely, the only market which was worth their having. If linen, corn, butter, and provisions, were protected on a principle which would impose a duty on them of 10 per cent on their importation into England, could the production of them have ever attained to any thing like the amount which is annually imported into England? These Union duties were, therefore, wholy useless on a great many articles, because these articles were not made in Ireland; they were unnecessary on others, because they were articles not requiring capital and machinery; they were positively injurious in the cases of machinery and of the materials of coaches; and they were absolutely destructive as to cottons, silks and woollens, because they excluded them from the English market. In regard to the revenue derived from these duties, it now appeared that a great mistake had prevailed as to its amount; that in place of 400,000*l.* a-year, the produce was 121,000*l.*, or about 95,000*l.* nett revenue; and that nine articles did not pay altogether 4,000*l.* For all these reasons, it was highly desirable that a minute investigation should take place without delay, into those duties, with a view of ascertaining the cases in which they might be wholly repealed, and those in which they ought to be continued for some time longer. On the subject of assimilating the currencies of England and Ireland, he admitted that a considerable difference of opinion prevailed; but he was convinced that there was no real difficulty in the way of this measure. The change would be entirely nominal; the same quantity of money would be given and received, for the same quantity of goods bought or sold. No one would receive more, or pay more than he now received or paid; two things only were wanting to effect this object—the first was a new copper coinage of twelve pence to a shilling—the second a legislative provision, after the example of some old Scotch laws, which should require every contract to be paid in the money of that period and date, in which it was made. The more this matter was investigated, the more simple and practicable it would be found to be: it was an arrangement absolutely necessary for placing the commercial intercourse between both countries on a perfectly free system, and to get rid of all inconvenient restrictions; for so long as the currencies were different, no one could tell from their fluctuations, the precise value of the dealing he was carrying on, and every thing was forced into the medium of bill brokers and exchange dealers, who by charges and delays, interrupted the natural course in which all traffic would of itself make its way.—As to another part of the general subject, namely, the searching of the baggage of travellers, this ought to be done away. No good reason could be given for such a meddling with individual comforts and feelings; the loss to the revenue could be nothing, if the search was limited to cases in which there was cause for suspicion. It ought to be remembered how many persons were compelled, against their own interests and inclination, to cross the channel. An order of this House obliged twenty persons to come from Limerick, one hundred miles beyond Dublin, on a notice of a few hours, to attend as witnesses, and yet their progress was interrupted whenever a public officer appeared, in the most vexatious manner. The general scope and object of all that he had suggested to the House was, to place the commerce and general communication between England and Ireland precisely on the same footing as they now were carried on between any two places in England. Until this was completely brought about, a great defect would continue in the system; and, if it was brought about, the effect of it would be not only highly beneficial in a commercial point of view, but also inasmuch as by advancing the general wealth of Ireland, it would give her the means of paying a larger revenue out of the existing taxes—an object of no inconsiderable importance to the interests of England at the present time. In a political point of view, the effect of the carrying into execution of the arrangements he had recommended, would, at length, be, to do that which was intended by the act of Union, namely to consolidate the interests of both countries, and to extend to Ireland the full advantages of the demand of England for her productions, and the extension of English capital to Ireland, in introducing a flourishing system of Irish manufactures.

Mr. *Grenfell* seconded the motion. He thought it most desirable that some arrangements of the nature proposed should be acceded to, more particularly that for assimilating the Irish currency to that of Great Britain, as it would have the effect of simplifying financial accounts. By means of it, they would get rid of all that machinery which made the exchange between the two countries so complex.

The *Chancellor of the Exchequer* agreed with the hon. baronet so far, as to think that it was highly desirable that the subjects which he had mentioned should come under the consideration of the House, but to undertake a plan of the kind proposed in the present session could only excite alarm in the minds of persons concerned in the trade between the two countries, without producing any practical result. It was necessary to hear the objections to be urged against the plan, as well as the arguments in its favour. The session was now so far advanced, that no practical result could be accomplished by a committee of parliament; but he so far coincided with the object of the motion, as to think, that upon due notice given to the parties concerned, they should prepare their several statements, and on the evidence submitted, the parliament should undertake the investigation. By such preparatory inquiries, it was likely that a considerable mass of evidence would be procured, and in the next session some practical result might be obtained. He would therefore move an amendment to that effect. As to the assimilation of the currency, it was one of great importance and delicacy, and could not be undertaken without great disadvantage, at the moment of approaching cash payments of the two banks. It would have the effect of agitating the public mind, and could not take away the necessity of exchange, as it depended on the course of payments and remittances. With respect to the Union duties, he believed there was great jealousy on the subject among the manufacturers of Ireland; it would be therefore far better to postpone the measure until both parties were prepared. He concluded by moving as an amendment, "That the House will, early in the next session, take into consideration the duties and regulations affecting the trade between Great Britain and Ireland."

Mr. *Dawson* was glad that the difference was only as to the time of effecting the reformation. The mere operation of these duties in preventing the importation of cattle into Ireland was a serious evil, in preventing the improvement of the breed of cattle, which was a staple commodity of Ireland.

Mr. *Philips* thought that the trade between England and Ireland ought to be as free and as open as that between Yorkshire and Lancashire; and that these obstructions ought to be abolished as soon as possible.

Mr. *Gladstone* thought the House ought to be satisfied with the assurance that early in the next session this subject would be amply discussed. The corn of Ireland was admitted into this country on liberal terms; and in the same way the consumer of English produce in Ireland should receive his supply of such articles without being excessively burdened by taxation.

Mr. *Chichester* said, it was of the utmost importance that the duties on fuel and machinery imported into Ireland should be removed without delay. He wished to know what were the intentions of the right hon. gentleman upon that subject. He was convinced that much of the distress in Ireland was caused by the operation of those duties.

The *Chancellor of the Exchequer* said, that the act passed last year provided for the gradual extinction of those duties, and that the subject might again be investigated by the committee.

General *Hart* was of opinion, that the subject required immediate consideration. He should therefore vote for the original motion.

Mr. *Hutchinson* contended, that, after passing the act of last year, it would be unjust to make any alteration with regard to the protecting duties. Many persons had entered into engagements upon the ground that those duties were to be continued for the period provided by the act, and a departure from that regulation would be of the most serious consequence to them.

Sir *H. Parnell* said, he had no objection to let the matter take the course proposed by the chancellor of the exchequer. The amendment was then agreed to, and the House adjourned till the 30th.

HOUSE OF COMMONS.

Monday, April 30.

Army Estimates.] The order of the

day was read for going into a committee of supply to consider further of the army estimates. On the motion, "That Mr. Speaker do now leave the chair."

Mr. *Creevey* said, he wished to address a few words to the House before it went into a committee. They had been now sitting six weeks upon the army estimates, without a single reduction in any one item proposed having been agreed to; still, however, a sensation had been felt elsewhere, as he understood, that circulars had been addressed to the inferior clerks in the public offices to intimate a probable reduction of their salaries. Now, he was anxious, that, when the gentlemen opposite began to reform the public offices, they should begin at the right end. The lower clerks were the most useful class of persons in the public departments, and yet their salaries were to be curtailed, while the salaries of those at the head of the offices were not to be touched. He wished the House to pledge itself on this subject, not, indeed, to any specific reduction, but according to the terms of a resolution which he held in his hand, and which referred to several great officers in the civil department of the army, who were already provided for by the votes on the estimates; and he would only ask the House to come to the resolution of taking into its serious consideration the expediency of reducing the great salaries which they at present enjoyed, when the report of the committee of supply should be brought up. The officers to whom he referred were eleven, and they received collectively the enormous sum of 16,000*l.* per annum. He then moved, as an amendment, "That it appears to this House, from the army estimates of the present year, that the following provisions are made for the annexed offices in the civil departments of the army, viz. in the office of paymaster, 1,500*l.* per ann. to an accountant, 1,200*l.* to a cashier, and 1,000*l.* to a ledger-keeper; in the war-office, 2,500*l.* per ann. to the deputy secretary at war, 1,400*l.* to a first clerk, 1,200*l.* to a principal clerk, 1,000*l.* to a senior clerk, and 1,000*l.* to a superintendent of current accounts; and in the office of comptroller of accounts, 2,000*l.* to the first comptroller, and 1,500*l.* each to two other comptrollers; and that such salaries have been all voted in the committee of supply; that this House nevertheless is impressed with the deepest conviction, that, in the present period of peace and general distress, the nation neither ought, nor is it able, to support its great and various establishments upon the same expensive scale as formerly; and that this House will take into its most serious examination the expediency of reducing the expense of the establishments hereinbefore mentioned when the resolutions respecting the same shall be reported from the committee of supply."

Lord *Palmerston* said, he had never known a resolution so extraordinary in its nature, or so singular in its grounds. The hon. member had heard that some reductions were about to be made; and therefore he called upon the House to re-consider certain votes it had already come to. If the government had not come to any determination to reduce its expenses, then there might be ground for the amendment; but it was a most singular reason for it that government had determined to see what reductions might be made in particular departments. It was not less singular that the hon. member should call upon the House to pledge itself to the consideration of a report, which was not yet before them. The resolutions of the committee were not yet reported, and the House could not regularly know what they were; therefore, according to every parliamentary principle, the motion was inadmissible. In a few days, the items to which the amendment alluded must come before the House, and he conceived it would be only stultifying itself, to declare now that it would consider what, in the course of business, must come under its consideration in so short a time. The thing carried absurdity on the face of it, unless the House admitted that it was so sluggish, that unless it thus pledged itself beforehand, it would not otherwise consider them.

Mr. *Creevey* said, his object was, not that the House should now go into the consideration of those items, but that it should pledge itself to consider them when the report of the committee should be brought up. Such a resolution, he conceived, would not stultify the House. His object was, to direct the attention of parliament and the public to those large votes, and that our economy should not consist in the unnecessary dismissal of a few of the lower clerks.

Sir *C. Long* said, he could not listen to the assertion that it was the intention

of government to discharge some of the lower clerks, and not the higher, without saying that no such thing was contemplated by government. The only thing intended was a revision of the system in the different offices; and this the hon. member's fancy had construed into a dismissal of the lower clerks.

Mr. *Bennet* defended the motion of his hon. friend, which, he maintained, was consistent with the practice of parliament. It was not at all uncommon that the House should pledge themselves to do something which they had not already done; and that they had not seriously considered any of those estimates with a view to economy was, he thought, clear. His majesty's government had yet done nothing in that respect; and so obedient was a majority of that House to the wishes of the ministers, that, if on a sum of 5,000*l.* 14*s.* 6½*d.* a reduction of the odd 6½*d* was proposed, and resisted by the noble lord, he believed in his conscience the House would refuse the reduction. The House had been long enough dragged through the dirt, and ought to endeavour to get upon fairer ground, and to stand better in the eyes of the country. He was confident that the House would never again see such an estimate as that which the noble lord, in the seventh year of peace, had presented. He contended, that his hon. friend was perfectly right in making the motion. It would show the necessity of parliamentary reform, and that the House was at present so constituted, that if government were economical, it would be economical also; but that if government were extravagant, it would likewise be extravagant. He wished such a motion to be made every day in the week, that the people might see what the House was, and how regardless it was of its duty in the expenditure of the public revenue.

Mr. *Hume* said, that the resolution proposed no specific reduction, and therefore did not bind the House to any thing farther than that they would seriously consider the items whenever they came before them. He had not heard of the resolution until it was proposed. If he had been consulted upon it, he would have advised his hon. friend to defer it until the bringing up the report; but as it was now before the House, he would vote for it.

The Marquis of *Londonderry* felt it unnecessary to press on the House the impropriety of the motion, after what had fallen from the hon. gentleman who had just spoken, who had pushed his reproach of the hon. mover to a degree of harshness disproportionate to the offence which the want of confidence that certainly had been exhibited towards him was calculated to excite. The hon. gentleman had distinctly allowed that the motion was unnecessary at the present moment. Now really, if the House were to be called upon to act on the principle of affirming every unnecessary proposition that was made to it, and from the establishment of which not the slightest public advantage could be derived, merely lest the country should be misled, it would, in his opinion, involve itself in great disgrace. But the hon. member for Aberdeen had relieved him from all difficulty in pressing this point, and he would therefore content himself with saying, that, for the reason which that hon. member had stated, he should certainly vote against the motion.

Mr. *Hutchinson* maintained the expediency of agreeing to the motion, in order that the House might show its disposition to attend to the distresses of the people, by pledging itself, at the first convenient opportunity, to take into consideration the salaries specified, in order to determine whether they might not be advantageously reduced. If such motions as these were rejected, he was persuaded that things could not go on as they were; for the distressed people, finding that all their petitions for relief were fruitless, would naturally withdraw their confidence from those by whom their complaints were disregarded.

The question being put, the House divided: For the original motion, 55; For the Amendment, 22: Majority, 33.

List of the Minority.

Bernal, R.	Monck, J. B.
Brougham, H.	O'Callaghan, col.
Cavendish, hon. H. F. C.	Powlett, hon. W. J. F.
Coffin, sir I.	Roberts, A. W.
Davies, col.	Roberts, G. J.
Denman, T.	Russell, lord J.
Fergusson, sir R.	Scarlett, Jas.
Hobhouse, J. C.	Taylor, A. M.
Hume, J.	Wilson, sir R.
Hutchinson, hon. C. H.	Wood, M.
Martin, Jas.	TELLERS.
Milbank, Mark	Bennet, hon. G. H.
	Creevey, Thos.

The House having resolved itself into the committee, lord Palmerston moved, "That 16,915*l.* 8*s.* 4*d.* be granted for

defraying the charge of the Military College for the year 1821."

Mr. *Hume* said, he had great objection to this item. He would admit, that the expense of the establishment had been considerably reduced since 1816. It was then 33,000*l.* for seniors and juniors, and it had since then gradually diminished until it had been brought to its présent amount. He did not mean to object to the proper education of officers for the army; but he objected to the country being called upon to pay for the education of young men who were not for the service. The expense to the public for the junior department of the military college at Sandhurst, in the five years from 1816 to 1820 inclusive, amounted to 115,280*l.*, during which period the number of cadets annually at the college was from 412, in 1816, to 290 in 1820, of which number one-fourth, or 441, ought to have completed their course of four years education, and to have joined the army; whereas, in these five years only 160 cadets obtained commissions, viz. 46 by purchase, and 114 without purchase; and that the expense to the public for the education of those 160 has consequently been at the rate of 720*l.* 10*s.* for each cadet before he joined the army. The amount of pensions for life, now payable for services to the college, was 1,123*l.* per annum, which, at 12 years purchase, would amount to an expense of 21,876*l.* to the public. This, considering the comparatively small number that got into the army, was an expense which the country ought not to be called upon to pay. The Finance Report of 1817 stated, that by providing for the number of young men, 320, on the establishment, others were necessarily excluded from appointments in the army; and if this number could not be provided for, nothing could be more cruel than to educate them in the military college. The sooner, therefore, this institution was done away with, the better. However, as he was unwilling to propose the entire reduction of it, if it could be rendered useful, he would only move for such a reduction of the expenses as might, without inconvenience, be made. What use was there for a military staff, which cost the public 6,457*l.* for the education of 290 young men? Why should there be a governor at 1,500*l.* a year, and a lieutenant-governor at 1,095*l.*? Why a pay-master, a librarian, a surgeon, and an assistant surgeon? If one assistant surgeon was sufficient for half a regiment, why should 290 boys require a surgeon and an assistant surgeon? There were 4 professors of French fortication, 6 professors of Drawing, and 4 professors of French. The governor had his clerk; the lieutenant-governor his clerk. There never had existed an establishment altogether so preposterous. There were 24 men servants. The object was, to train the young men to be soldiers. Why, then, should such absurd attendance be required for them? He should therefore propose to reduce the sum moved for by 7,244*l.* The remaining sum would be quite sufficient for all the rational purposes of the establishment. He would, move as an amendment, that 9,771*l.* be voted.

Lord *Palmerston* was glad that the hon. gentleman had saved him the trouble of proving the expediency of properly educating officers for the army. With respect to the want of commissions to the number educated in the military college, he had to state that there were only fourteen cadets who had passed examination and had not received commissions. When it was considered that examinations were annual, and that this was the whole produce now unprovided for, it could not be said that the number was too great. If all were appointed to commissions who had passed examination, before the next examination took place, it was as much as could be expected. The House might feel satisfaction in learning that the number educated in this college since its institution was 2,528. Of these 1,867 had joined the service; and 248 remained at the college. Of the remaining 415, some had died, some had been unqualified, and some had preferred other professions. The expenses altogether differed very little from the ordnance and naval establishments of the same kind. The governor and lieutenant-governor were both resident, and conscientiouly attentive to their duties. He was surprised that the hon. gentleman who was so active in his inquiries, and who had sent to survey the Lord Howe, lying God knew where, had not applied his investigating faculties to the duties and salaries of the governor and lieutenant-governor of the military college, but should have come to the House and professed his total ignorance on the subject. When the number and nature of the persons educated were considered, it would be admitted, that not

only skill and ability, but personal authority and weight were necessary to preserve discipline. The persons educated were not boys who readily acquiesced in any restraints imposed; nor were they full-grown men who understood the necessity of personal restraint. The librarian was also chaplain; and besides the library, he had the charge of very valuable military plans. The paymaster examined all tradesmen's bills, which required more attention than the accounts of a regiment. As to the surgeon and assistant-surgeon, the House would not enter into inquiries respecting the degrees of health of boys at school and soldiers in a regiment. There was nothing more essential to the health of the establishment, than the attention of servants; and therefore the reduction of their number would be injurious. Each individual at the establishment cost the public but 58*l.* annually. Among them were many who were gratuitously educated, their fathers having fallen in the field of battle. Every year since the peace the number of those was necessarily diminished, and thus the average expense was every year becoming less.

Colonel *Davies*, who had himself been educated at the college, expressed his persuasion, that while the senior department was eminently serviceable to the country, the junior was wholly useless; yet the reductions which had taken place had been most injudiciously in that department principally from which alone public benefit was derived. Of the professors of fortification and drawing, three were Frenchmen, one of whom had been a lieutenant in the navy. Now, he was at a loss to conceive what this person could know of fortification. It was urged, that this establishment had furnished many officers to the army; but it should be recollected, that within the last five years no more than 52 officers had been taken into actual service from half-pay. This, therefore, was a gross injustice to the whole of the half-pay list.

Sir *Lowry Cole* observed, that every gentleman who knew the governor of the Military College must acknowledge the great services which he had rendered to the country. Sir G. Murray had devoted his mind to that department, and had introduced great and effective improvements into it.

Colonel *Davies* admitted the merits of the gallant officer alluded to. His objection was not to the individual, but to the office. He felt convinced, that either the governor or lieutenant-governor ought to be reduced.

Sir *L. Cole* said, that it was not the duty of the governor, nor would it become his station, to enter into all the minute details of the establishment. It would not become him, for instance, to inquire, on every occasion, whether one boy was to be put into the black hole, or whether another boy should receive punishment of a different nature.

Mr. *Hume* said, that one would suppose, from the gallant general's observation, that the governor was above his work. If the lieutenant-governor attended to commitments to the black hole, what were the captains, and the 10 or 12 serjeants to attend to? This was indeed drawing a cork with a ten-horse power. Either the boys at Sandhurst were the worst in the world, or their managers were the worst. The reduction he had proposed was extremely moderate, under all the circumstances, and it was the duty of the House to insist that it should be made.

Lord *John Russell* said, that he, for one, did not think it right, in a free country like this, to have young men educated from their earliest youth with a view solely to the army. He entertained an old prejudice against accustoming boys to see nothing around them but military uniforms and military discipline. He did not think it proper that they should be totally separated from the affairs of civil life. However necessary such an establishment might have been during war, he thought it might be reduced in a time of peace. But even if such an establishment were necessary, still there was no occasion for sending boys to it at an earlier period than that at which persons studied for the bar or the church, which was never before 15 years of age. He also objected to the employment of four French professors, as he could not see any connection between a knowledge of the French language and the duties of a British officer.

Lord *Palmerston* could not join in opinion with the noble lord, that officers should be brought up in a happy constitutional ignorance of their profession, and of the language of those countries in which they might be appointed to serve. Such was the case with the officers of the British army at one time, and the consequence was, that foreign officers were hired to do that duty, without a knowledge of which the courage of the British

soldier would be of no avail. He did not think the comparison made by the noble lord between young men brought up for the learned professions and for the army just, because in the latter profession young men must enter into it at about eighteen, and consequently must begin at an earlier age to learn their profession than those who did not enter on the duties of their profession until the age of manhood.

Mr. *Bennet* was of opinion, that if the college had been productive of good in disseminating knowledge among our officers, it had also produced much evil in inculcating notions inconsistent with the principles of a free constitution. It was said, that our officers were ignorant before the establishment of this college. This he would deny. He had himself, twenty years ago, known many officers, as well educated, and as well informed, as any gentleman now in the army. It would be better to allow parents to qualify their children for the army, by providing the necessary instruction. If government once established the rule, that none but the educated officer should receive a commission, those who applied would take care to possess themselves of the necessary knowledge.

Colonel *Wood* defended the system pursued in the Military College, as highly beneficial to the country, particularly the first class, which was exclusively for the education of the orphans of officers who had died in the defence of their country. He read a letter from general Wolfe to a friend, in which he recommends that all young officers should possess a knowledge of the Latin and French languages and also some knowledge of the mathematics. The letter went on to say, that all young officers should make themselves masters of these qualifications, in order that they might be enabled to discharge the important trust reposed in them, and without which we must sink under the indefatigable exertions of our restless neighbours.

Captain *O'Grady* observed, that he had the concurrence of every cavalry officer in stating, that the Riding-house at Pimlico was totally useless, and ought to be suppressed. He trusted that that department would be again brought under the attention of the House.

Mr. *Hume* maintained, that the object of this institution was not attended to. The interests of the children of officers were not benefited by it, but only those of persons who, though not at all connected with the army, had influence elsewhere to get themselves promoted.

Sir *H. Hardinge* said, as a proof that influence was not the only means of obtaining commissions at the Military College, that he was present at a recent examination, at which a young man was presented with a commission in an old regiment, as a reward for the excellent manner in which he stood the examination. Formerly, officers sought instruction abroad, merely because in this country military education was neglected. He had no hesitation in saying, that the system of instruction now pursued at Sandhurst was superior to the system pursued at the colleges abroad.

Mr. *Bright* said, that he looked with great jealousy at the establishment in question. He was convinced that a better system of education might be promoted at much less expense, and should feel it his duty to vote for a reduction of the proposed grant.

Mr. *J. H. Smyth* was of opinion that the Military College was not of sufficient advantage to the community to be maintained in its present state, during the existence of so much distress in the country.

Mr. *W. Williams* complained of the system of military education. If the children of deceased officers were to be educated, why not give them a civil education? He not only complained of the establishment itself, but of the wasteful expenditure attending it. For 290 children, there were no fewer than 104 masters and servants.

Mr. *T. Wilson* said, that in the present state of the country, he could not support the grant, the more particularly as he apprehended that there was a perversion of the original design of the establishment.

The Committee divided: For the Grant, 32: For the Amendment, 23: Majority, 9.

List of the Minority.

Beaumont, T. W.	Gipps, Geo.
Bennet, hon. H. G.	Hamilton, lord A.
Bernal, R.	Harbord, hon. E.
Birch, J.	Hume, J.
Bright, H.	Latouch, R.
Crompton, Saml.	Monck, J. B.
Denman, Thos.	Philips, G.
Evans, Wm.	Rice, G. R.
Forbes, C.	Russell, lord J.
Grattan, Jas.	Smythe, J. H.

Williams, W. | Teller.
Wilson, Thos. | Davies, col.
Wood, M.

On the Resolution, "That 28,201*l.* 2*s.* 3*d.* be granted for defraying the charge of Garrisons at home and abroad,"

Mr. *Hume* asked, if government intended to keep up the charges for garrisons, which were merely sinecures? Would they not reduce the appointments of governors in places where there were no garrisons to govern? Included in the present vote were several places of that description. He would particularly instance the governorship of Gibraltar, for which lord Chatham had 2,800*l.* a-year on the establishment, and 691*l.* upon the home account. This was a perfectly sinecure office, and ought not to be continued.

The Marquis of *Londonderry* had no hesitation in replying, that it was not the intention of government to recommend a reduction in the garrisons alluded to. They considered them as a perfectly suitable mode of rewarding the services of distinguished military officers. When he looked at the amount of these garrisons, he by no means thought it an exorbitant scale to exist for the purpose he had mentioned. The hon. gentleman had made a particular application of his general doctrine, which was not very candid towards the person bearing the illustrious name which the earl of Chatham did. That distinguished officer never contemplated his appointment as a sinecure, but, on the contrary, intended to make it one of effective service. The reason why he had not gone out to Gibraltar earlier, was on account of the death of lady Chatham; but he was at this moment about to set out to take the actual command of the garrison. As the noble lord's departure had been announced in the newspapers, he was astonished that the hon. member, with his usual general knowledge, should seem to be ignorant of it. With respect to the emolument of the office, the earl of Chatham had 4,400*l.* a-year, while his predecessor, the late duke of Kent, had 6,500*l.* a-year.

Mr. *Hume* said, that the services of the late duke of Kent would, at least, bear comparison with those of lord Chatham: every one knew the services of his lordship, and he believed every one was convinced that those services were fully requited, wherever they were performed—whether at Walcheren, or at any other place. The duke of Kent had obtained the appointment from the king, as a reward for his nine or ten years' foreign service with his regiment, and the duke did not receive two-thirds of the allowance which his predecessors had enjoyed. His royal highness had, for the purpose of preventing the disgraceful breaches of military discipline, before his time so prevalent in the garrison, put down the system of the wine-houses, which was a source of emolument to the governor, and the advantage of the alteration was so apparent, that government promised to make up to the duke of Kent the loss he had thereby incurred—a promise which they never afterwards redeemed.

Colonel *Davies* said, he was ready to pay a tribute to the name of Chatham; but it should be recollected, that as the son of the illustrious statesman who first obtained the name, the noble earl enjoyed a pension of 3,000*l.* or 4,000*l.* a-year, independent of this reward for his personal services. With respect to his going to Gibraltar, or staying away, the case was the same, the main objection being that the office was a complete sinecure.

Mr. *Hume* repeated his deep regret, that in times like the present, no expectation was held out to the country that the 28,000*l.* for sinecure garrisons would be reduced. He would ask, was the Tower establishment to be still kept as a reward for military services? Was the garrison expenditure of Berwick to be maintained, when the place had been dismantled of all its guns? By way of amendment he should move a reduction from Berwick of 944*l.* and from Gibraltar of 1,500*l.*; that was, that 2,444*l.* be subtracted from the proposed grant.

Lord *A. Hamilton* asked, whether the ministers would say that the office of governor of Gibraltar ought to continue in perpetuity; if this was their intention, they should avow it. If not, never was there a more improper appointment than that of lord Chatham. It had been the uniform defence of sinecures, that they were bestowed as a reward for great public services: but the assertion was falsified by universal experience.

Lord *Palmerston* said, it was a mistake to suppose that the whole of the offices in question were sinecures. The governors were almost the only officers that could be regarded as holding sinecures; which situations were more congenial to the

feelings of old soldiers than pensions would be.

Mr. *Bennet* asked for what conceivable reason, the establishments of garrisons were kept up at Inverness, Hull, and Stirling? Notwithstanding the splendid names which the noble lord had put at the head of his list, he had no doubt if all the names were given, that there would be found among them some excellent electioneerers.

Lord *J. Russell* wished to know if it was the intention of ministers that lord Chatham should permanently reside at Gibraltar as governor, and if so, whether it was their intention to abolish the situation of lieutenant-governor.

The Marquis of *Londonderry* was not prepared to give the noble lord the information he wished to obtain. He could only state, that when the appointment of lord Chatham was made out, it was distinctly understood that the noble earl would proceed to Gibraltar to perform the duties of the situation.

Mr. *Philips* contended, that as the duke of Kent had been absent from Gibraltar so many years, and as lord Chatham had hitherto been absent since his appointment, it must be essentially a sinecure. It seemed to him that lord Chatham's going out was planned to take from the office the character which it had hitherto borne; but still he could not but regard it as a sinecure; and the course now taken, struck him as being merely an expedient resorted to by ministers in consequence of their determination not to give up their patronage.

Lord *Palmerston* denied that the situation of governor of Gibraltar was a sinecure. An hon. member had declared, that situations of this description were granted to individuals in order to serve electioneering purposes. He had, however, given a very awkward exemplification, when he alluded to the governorship of Stirling. That post was held by lord Hutchinson, who would scarcely exert his influence for electioneering purposes, at least in favour of ministers.

The committee divided: For the Resolution, 87. Against it, 27.

On the resolution, "That 115,256*l.* 17*s.* 6*d.* be granted for defraying the charge of Full Pay for Retired and Unattached officers,"

Mr. *Hume* called attention to the manner in which this charge had been swollen out by the late temporary embodying of veteran battalions. It was a rule, that officers of veteran battalions, when disembodied, should receive full pay for life, and the rule had justice as well as liberality in it, when persons, who from length of service had peculiar claims upon the public, were placed in those regiments. About a year and a half ago ministers thought fit to raise new battalions of these corps which had been since disbanded. They had to officer these battalions, taken officers some from full and some from half-pay, and given them a claim to retire for life on full pay. The increase of expense thus entailed upon the public was 13,870*l.*; of the officers, 68 were taken from full and 179 from half-pay, and they seemed to have been selected on any other principle than length of service. There were a great many of these officers who had served six, four, and two and a half years,—indeed, all periods except long ones. As ministers had taken this step without the sanction of parliament, he should move to reduce the vote by 13,870*l.*

Lord *Palmerston* said, the officers who were placed on veteran battalions, had indeed the privilege of full-pay when disembodied, but they forfeited all chance of promotion, and, even after they retired, were liable to be called on again. Officers who had so retired, were called on to serve in the new battalions alluded to, but they had been found too much worn out and broken in constitution to perform any military service. The commander-in-chief had selected, not according to length of service, which was an improper criterion, but those who, from severity of service or incapacity, were disabled for more active duty. Some of them, though they had held commissions for a short time, had served long as non-commissioned officers.

Mr. *Hume* said, that the description which the noble lord had given of the persons selected did not generally apply. But as a pledge appeared to have been given them, though most improperly, he should not press his amendment to a division.

The resolution was agreed to. On the resolution, "That 121,265*l.* be granted for the charge of half-pay, and reduced allowances to the officers of disbanded foreign corps, of pensions to wounded foreign officers, and of the allowances to the widows and children of deceased foreign officers,"

Mr. *Hume* said, if the smallest wish for

economy existed in the House, gentlemen would oppose this resolution. When he stated, that by the existing system foreign officers were placed in a better situation than English officers on half-pay, he was sure the House would see the necessity of altering the system. From 1816 to the present period, estimates of the sum necessary to defray the half-pay and reduced allowances of foreign corps were laid before the House, but it was never mentioned that 3,000*l.* or 4,000*l.* was annually received by an individual for paying those reduced allowances, &c. To show that the British half-pay officer was in a worse situation than the foreign officer on half-pay, he would suppose that he was a German officer, residing at Frankfort. Suppose an English officer to be also residing there, and that both the parties wished to draw for 200*l.* half-pay; in such an event, he, as the German officer, could get his bill cashed at once, and receive his 200*l.* nett; but the British officer could not procure the money without agency. The English officer paid 2*d.* in the pound for procuring his money, while 3½ per cent was paid to an individual for answering the drafts of those foreign officers. In 1816 it cost the public 2,449*l.*; in 1817, 4,452*l.*; in 1818, 4,415*l.*; in 1819, 2,944*l.*; in 1820, 3,100*l.*, which he contended was taken out of the pockets of the public to give to an individual for doing a duty which ought to be performed by two of the clerks in the Pay-office. It was certainly enough to place foreign officers on the same footing as British officers. He conceived, therefore, that these foreign officers ought either to receive their pay in this country, or defray the expense of agency; and would move a reduction of this proposed grant to the amount of 3,050*l.*

Lord *Palmerston* observed, that the agent alluded to had not been appointed by him. The only concern, indeed, which he had had with that officer was, to reduce the per-centage allowed him from 3½ to 2½. As to the comparison between the half-pay of native and foreign officers, the former could, if in this country, receive their half-pay personally without any deduction for agency; and the agency objected to was merely meant to put those foreign officers upon the same footing.

Colonel *Davies* observed, that several foreign officers receiving the half-pay of England were serving in the army of other nations. He asked, whether the duke de Guiche, who was now holding a commission of high rank in the French army, was not still receiving half-pay from this country, as a captain in the 10th dragoons?

Lord *Palmerston* replied, that the gallant duke had never received any half-pay from this country since he entered into the army of his legitimate sovereign, and that his name was inserted in the half-pay list merely as a record of his services to this country.

Mr. *Bennet* felt it his duty to offer a tribute of respect to the character of the duke de Guiche, and concluded with moving, as an amendment to the motion of Mr. Hume, that the proposed grant be reduced 2,000*l.*

The Committee divided on Mr. Bennet's Amendment; Ayes 35. Noes, 89. The original resolution was then agreed to.

List of the Minority.

Birch, Josh.	Monck J. B.
Belgrave, visc.	Milbank, Mark
Beaumont, T. W.	O'Callaghan, col.
Bright, H.	Phillips, G.
Bernal, R.	Powlett, hn. W. J. F.
Crompton, S.	Russell, lord J.
Davies, col.	Rice, G. R.
Denman, Thos.	Tierney, rt. hon. G.
Evans, W. M.	Wharton, J.
Forbes, C.	Wyvill, M.
Hobhouse, J. C.	Wood, M.
Harbord, hon. E.	Wilson, Thos.
Hamilton, lord A.	Wilson, sir R.
Latouche, R.	TELLER.
Lushington, S.	Bennet, hon. H. G.
Maxwell, J.	

On the resolution, "That 42,796*l.* be granted for the charge of the in-pensioners of Chelsea-hospital,"

Colonel *Davies* said, that the eloquence of angels would be useless against the majority of that House: he would, however, do his duty. He thought the duty which was at present done by six medical attendants at this hospital, might be amply discharged by two. He also complained of the increased salaries paid to the officers of the medical establishment.

Sir *C. Long* said, that all the medical attendants were fully occupied. No one acquainted with the duty they had to perform could think they were overpaid.

Mr. *Gordon* said, he found a charge of 100*l.* a year to a magistrate for attesting out-pensioners. The nature of this duty he could not understand.

Sir *C. Long* explained, that this magistrate took all the attestations necessary before the board.

Mr. *Hume* thought it might hereafter be advantageous to consider whether Chelsea Hospital ought to be continued.

The Resolution was agreed to, after which, the chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Tuesday, May 1.

ARMY ESTIMATES.] The Report of the Committee of Supply was brought up. On the first resolution being read,

Mr. *Bennet* expressed his intention, and that of his hon. friends, of discontinuing the discussions upon the different items of the estimates. After the ordnance estimates should be gone through, either himself or some hon. friend of his would move a series of resolutions upon the whole amount of our army establishment. It was impossible not to see that the House was tired of the discussions which had taken place, from the scanty attendances, and particularly that of last night. Therefore it was, that they intended to make their objections upon the whole sums, and to hold them up to the public, so that the country might see what votes the House were willing to grant. With all their efforts they had not been able to prevail upon the House to reduce one shilling upon the whole of the estimates. He was confident, however, that the country would never again see such estimates brought down in a time of peace.

The *Chancellor of the Exchequer* said, that the House had agreed to the present estimates without correction or diminution, because they were judged to be such as the existing circumstances of the country required. By such circumstances the estimates were always regulated, and were never considered as fixed and permanent expenditure. As to the resolutions of which the hon. member gave notice, on a general scale, when they were brought forward, would be the time to meet them.

On the question, that the resolution respecting the Half Pay be agreed to.

Colonal *Davies* rose to offer some observations on the subject of half-pay, which, he trusted, would meet with due attention in the right quarter. The number of officers on the half-pay of the English and Irish establishments, was 8,616, and the amount annually expended in their maintenance, 765,781*l.* with this long list, and the enormous burden their support was to the country, it would be thought, that it was the policy of government to do justice to those meritorious officers, by filling up whatever commissions were granted in their favour. But the fact was the reverse. From the 1st of Jan. 1816, to the 1st of July, 1820, the total number of new appointments was 1,105, out of which 54 only were made from the half-pay list; all the rest, or the greater part of them, being filled up by favour. The injustice thus done to the public occasioned a great increase of expense, in being obliged to supply the support of the half-pay officer, who might have been removed to full pay, and the public relieved of his maintenance. In order to show the saving which would have been effected to the public, he would show what it would have been if only one-half of the commissions which had been filled up, had been taken from the half-pay. The total of his estimate was 206,353*l.*, which was made upon a calculation of the amount of purchase money, which would have been required for life annuities for the number of officers who would, by this principle, have been removed from the half-pay list. With this view of the injustice done to the country and to the individual officers, he wished to give notice of his intention to move for an address to his majesty, which was a copy verbatim of one which passed that House in the year 1740, *nem. con.* "That an humble address be presented to his majesty, that for the present and future ease of his majesty's subjects, he would be graciously pleased to employ in his army such persons as now remain upon half-pay who are still qualified to serve his majesty."

Lord *Palmerston* observed, that it was the anxious desire of the commander-in-chief, to relieve the half-pay list, and to satisfy the claims of the officers on that list by appointing to full pay from it, as far as was consistent with the interests of the country. From Jan. 1816 to Jan. 1821, there had been 1,105 officers commissioned. Of these, 508 had been without purchase, 114 were cadets from Woolwich, and 80 from the half-pay; the remaining 314 were appointed without purchase. On the average, therefore, 62 commissions had been given away every year, of which 38 were to cadets from the military college and to the half-pay list. If the whole of the vacancies in the army

were to be filled up from the half-pay list, it would close the army against all the various classes of civil life, and put an end to that connexion between the civil and military so essentially necessary, in a constitutional point of view, and so well calculated to diminish the objections which always existed to a standing army.

Mr. *Hume*, after a few prefatory remarks, in which he observed, that the effect of the present system was, that only about an eighth of those who received commissions in the army were previously educated at the college, expressed his wish that the small number of ensigns and cornets from the half-pay placed on full pay, as compared with those who had never been in the army to whom commissions were given, might be stated on the Journals, for which purpose, he would move, as an amendment to the resolution, "That it appears by the returns before the House, that from the 25th Jan. 1816, to the 25th Jan. 1821, there were 1,105 first commissions granted by his royal highness the commander in chief, in regiments of cavalry and infantry of the line, to persons who had never before been in the army; of which 597 were by purchase, and 508 without purchase; that there were, during that period, cornets and ensigns on half-pay, from whom these 508 officers might have been selected, and which appointments would have afforded, at the same time, employment to officers of experience, and a saving to the public of about £.29,464 a-year, or a total charge, if taken at twelve years' purchase, of £.353,568 to the country; that in these five years, only 54 cornets and ensigns have been brought on full pay, from the great number of 1,214 cornets and ensigns which now are on the half-pay of the army."

General *Gascoyne* observed, that the hon. member's motion went to exclude all but military men who had already served from entering the ranks of the army; whereas he ought to take into consideration, that after the long contest the country had been engaged in, there must be many meritorious officers whose claims in behalf of their children were entitled to attention. The appointments that had taken place within the last five years were principally of that description, and, generally speaking, those who were upon half-pay at present had no wish to return to full pay. Since 1816, from 250 to 300 annually had retired voluntarily from full to half-pay.

Sir *H. Vivian* called the attention of the House to circumstances of great hardship under which officers of the rank of major-generals laboured in consequence of the existing regulations. He knew an instance in which the officer having expended 5,000*l.* in the purchase of his commission, was now placed upon a retired allowance equivalent to the half-pay of a lieut-colonel, and not equal to a life annuity which his money would have purchased.

Mr. *Huskisson* said, that the amendment went directly to stop all promotion in the army, and to recognise the exclusion of all civil ranks of the community. The hon. gentleman was wrong in supposing that it was the general wish of half-pay officers to return to full pay. The deaths amongst the half-pay officers last year were eighty-seven, whilst the whole number of deaths which occurred in the army on active service at home and in every part of the world in the same year, was only sixty-one, which showed the description of the former to be that of worn-out soldiers, not anxious to return to active service.

The amendment was negatived; and the resolutions were agreed to.

HOUSE OF COMMONS.

Wednesday, May 2.

PETITION OF JAMES TURNER, COMPLAINING OF HIS IMPRISONMENT.] Lord *A. Hamilton* rose to present a petition from Mr. James Turner, a respectable person, who had resided for twenty-two years in Glasgow, carrying on the trade of a tobacconist. The petitioner complained, that he had been arrested on a charge of high treason, and had never been brought to trial, or received any compensation. The petitioner did not mean pecuniary compensation, for he was far above accepting any such; but he complained that his character had not been cleared by an acknowledgment that he was innocent of the charges for which he had suffered. He stated, that on the 9th of April, 1820, he was awoke in the night-time by officers, who entered his house with a warrant to search for papers and arms: he was taken immediately to the police-office, and was marched from thence, guarded by a file of soldiers, to the common Bridewell, where he was locked up in a solitary cell with a stone floor, and denied the use of writing ma-

terials, as if he had been the worst of felons. On the 14th, he was brought up from his cell to be re-examined, and was then told that he might be admitted to bail. Now he (lord A. H.) had always understood that high treason was not a bailable offence, and therefore he was at a loss to comprehend why that charge had been alleged against the petitioner, unless it was to afford a pretext for the cruelty with which he was treated. The object of the petitioner in making this appeal to the House was, to clear his character, which he had not been allowed to do by a trial in a court of law. He had therefore to assert that Mr. Turner was innocent of the crime with which he had been charged, and he hoped the lord advocate would feel himself called on to make this admission, which was the only reparation that the petitioner demanded, and to which he was entitled on every principle of justice. If the learned lord did not make a distinct avowal of his innocence, he should trouble the House still farther on the subject.

The *Lord Advocate* could not avoid calling the attention of the House to the time at which this complaint made its appearance: this transaction took place in April 1820, and eleven months had been allowed to pass before the present petition was put into the hands of the noble lord. During all that time the doors of the courts in Scotland had been open to the petitioner, if he thought himself aggrieved. This House had also been open to him; and if the petitioner had suffered the injury which he alleged, he owed it to himself to bring forward his demand for redress at an earlier period. As far as regarded himself—and he was the only party responsible—he was not bound to produce the grounds on which the charge of high treason had been made against this individual. But supposing that there were even no grounds at all, he was prepared to contend, that the petitioner should have called for redress in a court of law, where the lord advocate's mouth would have been open. He contended, that he had the best grounds for causing the apprehension of the prisoner, and denied that he was treated with harshness and severity; on the contrary, he was taken to the Bridewell instead of the prison of Glasgow through lenity, as there were then about one hundred culprits in the prison, and in Bridewell he had every accommodation which it was proper to allow. He added, that it was very extraordinary, while the petitioner complained of harsh treatment, a complaint was also made that he was admitted to bail, although the offence with which he stood charged was high treason. The reason why he was not brought to trial was an insufficiency of evidence, like what had happened in many other instances lately in England. If, however, the petitioner would bring the case into a court of law, he would prove that he had sufficient cause for acting as he had done, and would show that his depute had not only done his duty, but that if he had not detained him, he would have been guilty of gross misdemeanor. On the whole, he insisted that the petitioner had been justly arrested, and afterwards treated with humanity.

Mr. *Maxwell* observed, that though he agreed that the case of the petitioner was not so severe as he had first supposed, yet he thought it was more severe than it ought to have been. The reason why the petitioner had not brought his action was, his conviction (whether right or wrong) that he could not obtain justice in a court in Scotland against the lord-advocate. The charges against the whole of the persons arrested on the occasion alluded to, were similar in their nature to those against the Spa-fields rioters. It turned out that the accused was only guilty of a riot. He was sorry that the learned lord had not taken example by what had occurred on that occasion.

Mr. *Monteith* related the circumstances which had given rise to the apprehension of the petitioner, and observed, that the Bridewell in which he had been confined having been cleared of its usual inmates, was more comfortable than the gaol. Such a variety of information, some good, some bad, was laid before the magistrates, against individuals engaged in the riots in question, that it was surprising that more had not been apprehended.

Mr. *Hume* had not heard the learned lord say, that the deposition on which the petitioner had been apprehended, was on oath. If it was not, what could warrant such an infringement of the rights of the subject?

The *Lord Advocate* replied, that that was not the practice of the law of Scotland. The public prosecutor proceeded on the information which he received, and was of course responsible for his acts.

Mr. *Hume* appealed to the House whe-

ther it was to be borne that the rights and liberties of Scotsmen should be divested of those shields which the law had provided for Englishmen. It was deplorable to think, that any Scotsman could be dragged from his home and family, perhaps upon false testimony, and without the previous security of an oath to justify his detention. This was to be done, too, upon the mere responsiblity of an official person, and upon information of any kind. If any thing more than another called for a committee to inquire into the allegations of this petition, it was the avowal of authority just made by the learned lord [Hear, hear]. No man was safe under such a power. He (Mr. Hume) might himself, on going down to Scotland, fall under the lash of some official person, and be cast into prison, without ceremony, for the remainder of the session. If this was the law of Scotland, it would not be safe for him to pay a visit to his native country.

Ordered to lie on the table.

ARMY—HALF-PAY OFFICERS.] Colonel *Davies* rose, in pursuance of his notice, to move an address to his majesty for the employment of officers on half-pay in preference to individuals who had never been in the army. The address he had copied verbatim from one carried unanimously in 1740. It was indisputable, that every possible attempt ought to be made to diminish the public expenditure, and the present proposition was one which would materially tend to the attainment of that object. After the discussion of yesterday he would only observe, that the case of many of the officers on half-pay was one of peculiar hardship; for being once reduced, it was only by the greatest interest that they could again obtain employment in active service. The hon. member then moved, "That an humble address be presented to his majesty, that, for the present and future ease of his majesty's subjects, he will be graciously pleased to employ in his army such persons as now remain upon half-pay who are qualified to serve his majesty."

Lord *Palmerston* opposed the resolution, on the ground that it was uncalled for, and would therefore be a censure upon the commander-in-chief, whose conduct at the head of the army had produced the most beneficial effects; and was entitled to the highest praise. The noble lord entered into a calculation, showing that a great number of the officers on half-pay had retired voluntarily, and that of the remainder, as many were occasionally placed upon full-pay as could be expected, consistently with the regulations now acted upon in the army.

Sir *R. Wilson* would be the last man to cast any implied censure upon the conduct of the commander-in-chief. The exertions of that illustrious personage in his department deserved the warmest praise. He could not, however, help observing, that many general officers were now living upon retired allowances of 7*s*. 6*d*. a day. This was a state of things which ought to be remedied, and therefore he felt it necessary to support the resolution.

Captain *O'Grady* supported the resolution. He conceived that there were many public situations, such as barrack-masters, &c. which might be filled up from the half-pay.

Mr. *Hume* observed, that within the last five years there had been 1,105 cornets and ensigns appointed, of which only 54 had been taken from the half-pay.

The House divided: Ayes, 14; Noes, 46.

List of the Minority.

Bennet, hon. H. G.	Pares, Thos.
Bernal, R.	Rice, S.
Chaloner, R.	Wilson, Sir R.
Creevey, Thos.	Wood, Alderman
Graham, S.	Wyvill, M.
Hamilton, Lord A.	TELLERS.
Harbord, hon. E.	Davies, Colonel
Hutchinson, Hn. C.	Hume, Joseph.
Monck, J. B.	

ARMY—SUPERANNUATIONS AND RETIRED ALLOWANCES.] On the motion, "That the order of the day, for the House to resolve itself into a Committee of Supply be now read,"

Mr. *Hume*, after a few observations, proceeded to read to the House an extract from the sixth report of the Finance Committee, in which the committee recommended, that an inquiry should be instituted in the superannuation allowances, in order to find out those which ought to be continued, or abolished. The hon. member pointed out several instances of persons receiving superannuation allowances to the amount of 200*l*., 300*l*., 400*l*., and 500*l*. a-year, and who, at the same time, held situations of several hundreds, nay, in some instances, thousands a-year; and concluded by moving, as an amendment, "That as there are individuals in the List of Superannuations and Retired Al-

lowances, who receive large sums for services of a few years, and who are at this time in perfect health, and performing duty in lucrative employments, it is expedient that this House, before granting any of the superannuated or retired allowances for this year, should appoint a Committee of this House, conformable to the recommendation of the Finance Committee of 1817, in their Sixth Report in the following terms:—'Where the sum has been granted as a Superannuation Allowance to a person who nevertheless had health and strength afterwards to hold other active and lucrative situations, your Committee feel that the public have an undoubted right to revise the whole of such grants, and to curtail and modify them in a way which may answer to the intentions which would have influenced the original granters, if the whole case had been fairly before them; your Committee, therefore, feel it to be their indispensable duty to recommend, that such revision should take place before the annual estimates, in which the grants alluded to are comprised, are again presented to parliament."

Lord *Palmerston*, in answer to the hon. member, read an extract from a ministerial circular, of July 1817, in which it was ordered, that no person upon the superannuation list should hold an appointment greater in emolument than that from which he had been superannuated, without being deprived of the difference between such situation and that which such person had formerly held.

The Marquis of *Londonderry* observed, that there was at this moment under the consideration of government a measure for lessening the scale of superannuation allowances, with respect to persons who held public offices.

After a short conversation, the House divided: For the Original Motion, 63; For the Amendment, 22: Majority, 41.

List of the Minority.

Baillie, col. J.	Hutchinson, hon. C.
Bright, H.	Maxwell, J.
Bernal, R.	Monck, J. B.
Birch, J.	O'Grady, S.
Cavendish, hon. H.	Rice, S.
Chaloner, R.	Smith, R.
Creevey, Thos.	Wilson, sir R.
Davies, col.	Wood, alderman
Evans, W.	Wyvill, M.
Farrand, R.	TELLERS.
Graham, S.	Hume, Jos.
Hamilton, lord A.	Bennet, hon. H. G.
Harbord, hon. E.	

Army Estimates.] The House having resolved itself into a Committee of Supply, lord Palmerston moved, "That 35,000*l.* be granted for defraying the charge of Fees expected to be paid at the Exchequer by the Pay-Master-General of the Land Forces, in Issues for Army Services."

Mr. *Hume* thought that the idea of the public paying for the payment of its own money was the most preposterous that could be imagined. He could wish the chancellor of the exchequer to bring the whole of the fees thus paid into one account, and then to debit them to the consolidated fund. If so desirable a simplification of accounts were adopted, the House would no longer be in the dark as to the gross amount of these fees.

Sir *C. Long* said, the regulation was, that two-thirds of the fees payable on issues from the exchequer on account of the army, should be carried to the consolidated fund; and an act had been passed for that purpose. Now, what was the complicated state of the accounts of which the hon. member complained? The fees paid into the exchequer on military issues had, from time immemorial, been voted in the committee of supply, and were partly handed over to certain officers whose property they were; the remainder went to the consolidated fund.

Mr. *Hume* said, his proposition was, that all fees received at any public office, to which the public had a claim, ought to be brought to one account, and carried to the consolidated fund. At present the treasury account comprised four documents, and nothing could be more complicated. The duties performed at the exchequer ought not to be paid by fees.

The *Chancellor of the Exchequer* replied, that those fees were regulated by law, and were the vested rights of individuals. By interfering with them, the House would enter into a complicated inquiry with little prospect of advantage.

Mr. *Hume* wished to know whether, on the death of the persons now entitled to them, the fees would be abolished, or settled on their successors.

The *Chancellor of the Exchequer* said, that in the event of new appointments, such appointments would be open to any new regulation that might be considered necessary.

Mr. *Bennet* said, he had no objection to pay liberally persons employed in the public service, but he would *wish* to see

them paid by votes of that House, not by fees.

The resolution was agreed to.

METROPOLIS POLICE BILL.] Mr. Clive having moved the second reading of this bill,

Mr. *Bernal* said, there were two provisions in the bill which he conceived might be improved. By one clause the secretary for the home-department was empowered to re-imburse police officers for any extraordinary expense they might incur in the prosecution of certain duties, the fact being certified by the police-magistrates. This provision might be extended, with much benefit, to cases in which the parties aggrieved were unable, from their poverty, to employ officers. It was provided, by a second clause, that in cases of petty misdemeanor, the constable of the night might suffer the party accused to go at large, on giving bail to appear at the police-office in the morning. It was not, however, imperative on the constable to do so. Now, he thought the constable ought to be compelled to receive bail in such cases.

Mr. *Bennet* expressed his surprise that the hon. gentleman should bring forward the measure in question in the absence of many individuals who felt a deep interest in its provisions. After all that had been said on the subject of the metropolitan police—after all the evidence that had been given to show the necessity of new-modelling it—he could not repress his astonishment, when he found such a measure proposed as that which the hon. gentleman had introduced—than which no measure could be imagined so utterly imperfect for any good or efficient purpose, or containing the seeds of so much real mischief. The objection which he and other gentlemen had to this bill was, that, in the dangerous situation in which the metropolis now stood, recourse had not been had to those salutary measures for checking the evil which a wise government would have seen and adopted. He was sorry that the step which he had suggested, and which experience had shown to be beneficial in the case of the Prison bill, had not been adopted, namely, the sending the bill to a committee above stairs, where alone details could be examined in an effectual manner. The bill had been brought in without consultation with the magistrates of the metropolis, or with those who were most conversant with matters of police, except mere verbal communication with the home-office, when the police magistrates went up with their monthly reports. It was easy to say that a good police was desirable. There was no difference as to the end—the only difference was as to the means of attaining it. Now, this bill merely took away the office at Shadwell, and added one for Mary-lebone, but, with that exception, left the whole machine of the police, which had been proved utterly inefficient, just as it found it. No one could be ignorant of the vices of this system who had read the evidence given before the police committee, or the publications on the subject; in one of which, by a very distinguished member of the police magistracy, it was stated to be "essentially corrupt." The cause of this was, that there was great service, great temptation, and little pay. Yet with all this well known, the service, the temptation, and the pay remained the same. It was a fact which he would pledge himself to prove by the evidence of police magistrates, that there was scarcely a felon committed who might not compound if he had money; and the mode by which this was to be done was by corrupting the officers of justice. He did not mean to say that there were not among those officers most honourable and conscientious men. It was from them that he had received the clue of the greatest part of the information he had extracted before the police committee. They had given him the information; but they said their situation was such, that they begged he would not call them; but in every instance, the questions they furnished him with, drew such information from the magistrates themselves as corroborated their statements. The cause of the corruption was, that the officers were so ill-paid. The first police officer had only a guinea a week. They might get an additional allowance indeed at times, if they were employed by individuals, or appointed to attend the royal family. But there was no remuneration for danger, no allowance on account of wounds or injury to health, no pension on retirement when they were worn out in the service, no pensions to their family if they lost their lives. It was true, that the Crown, in particular cases, doled out pensions; but by law they were not entitled to any. The hon. member then read an extract from the evidence of Vickery, a most efficient and respectable officer, stating these facts, and adding that

he had been nearly cut to pieces in apprehending two men for a murder, and had been confined six months to his bed without receiving the smallest allowance. He spoke in behalf of those officers from justice to the public. They were put in a situation in which they had great power to do harm as well as good; and, if they did not get money in a fair way, they would take it by joining that conspiracy against the peace and property of the public, which it was their duty to frustrate.—The next point was as to the constables. In this department the same corruption prevailed. Three-fourths of them performed their duty by deputy. These were the men who were to be made by this bill judges at night, while they were to be thief-takers by day. A friend of his had published an excellent pamphlet, in which he stated, that a man had served as a constable whom he knew to be a thief and who had been convicted as a receiver of stolen goods. Yet this man threatened him with a *mandamus* for refusing to swear him in again as a constable. How could these men be otherwise than corrupt? They led a life of drudgery at the police offices and courts of justice, and they were left to pick up their living by setting their names at the back of indictments. There was a singular fact which illustrated this mode of obtaining a livelihood, which had been stated to him by a counsel who was in the habit of attending the Old Bailey. Before the bill which he (Mr. B.) had brought in, by which the reward money on the conviction of felons was abolished, there never was a case of felony in which there was not a man from some police office to prove the confession of the offender: since that time such a thing was never heard of. There were also the high constables. He would not say that they were all corrupt, but there were among them persons who had fled from their parishes to avoid their creditors. It was curious that these constables high and low, were almost always coal dealers. The coal trade attracted them all, as the magnetic rock in the "Arabian Nights" drew out the nails of the ships which happened to come near it. The secret of this was, that they supplied with coals the brothels and alehouses, and in return answered for their character, or screened them from detection. There was one of those persons who had been brought before the police committee who had been proved utterly unworthy of the office which he held, and who yet, in defiance of law and decency, was kept in his office by the trading justices of his district. The best law in hands such as these could have no effect. In this instance economy was foolish. He did not wish to see a system of profusion; still less a police, which some gentlemen were advocates for, like that of Paris, in which the servant was set as a spy upon his master, and in which there was a prying and vexatious interference, which kept the whole of the community in irritation; but he wished to see a system of police, of which they had something approaching to an example in the city of London. Within the city the officers were better paid. The result was, that Mr. Bill Soames, a gentleman with whose acquaintance he was honoured, did not like to ply his vocation within Temple Bar. The numbers of the officers at the different offices were insufficient and unequal. In the Marlborough street district there was a population at the last census of 270,000, now probably 300,000; yet, attached to this office there were no more than eight constables. Worship-street office district had a population of 163,000 and six constables; and Queen-square, with only 24,000 population, had the same number as the district with 300,000. At Bow-street, indeed, which was a favoured office, there was more expenditure. But Bow-street was not, as it was commonly considered, a head, or superintending office. It was the chief office: but there was as little correspondence between that and the other offices, as there was between Bow-street and the police minister at Paris. They did not even send circulars to one another at the end of the day in case of signal frauds or offences. There was certainly now great care in the selection of persons appointed to the police magistracy, for which great praise was due to the noble lord at the head of the Home-office: but this was of no avail, while there was no improvement among the officers. The great alteration of the bill was, to extend the power of apprehending persons who were described as reputed thieves in public places, to all parts of the metropolis. The late sir S. Romilly had contended, that the former limited power was most unjustifiable and unconstitutional. That part of the question he should leave to others; but as to the practical benefit, he did not believe that the apprehension of a single thief would ensue

from it. The power was put into the hand of every corrupt constable; and he had no doubt that the great sufferers would be Irish labourers, who were poor and destitute, and the practice would only be considered like the apprehension of vagrants, another easy way of earning five shillings. The discretion which they even now possessed was such as honest officers scarcely ever dared to exercise. This they had stated to him; but they had also stated, that there were needy and greedy persons enough about the offices who would exercise it. The hon. member concluded with observing, that if they had inferior police officers, well selected and adequately paid, and respectable magistrates, made as independent as possible of any interest, with such an administration of justice as would not indispose the public to the conviction of offenders, they would do more towards the repression of crime than by establishing the French prying system of police.

Mr. *H. Clive* said, that the hon. gentleman had suggested many things that might hereafter be proper subjects for inquiry by a committee up stairs. At present the appointment of a committee seemed unnecessary, there having already been four committees at different times, and three very full reports. These reports had been attended to in the framing of this bill.

Mr. *Denman* objected to the principle of several of the clauses, especially those respecting the power of taking up persons suspected to be vagrants. He also observed that the latter part of the bill was wholly unconnected with the former; so much so, that he would suggest the propriety of dividing it into two distinct bills. If the first part relating to the payment of salaries, could be brought within a reasonable compass, no gentleman could object to it; but, as it stood at present, he must oppose it.

The bill was read a second time.

HOUSE OF LORDS.

Friday, May 4.

BANK CASH PAYMENTS BILL.] The Earl of *Liverpool*, in rising to move the third reading of this bill, said, it would be necessary for him to state in a few words its object. The bill did not propose to make any alteration in the measure which had two years ago been adopted by parliament, further than to anticipate the period at which the Bank were to be allowed to pay in cash. By the measure formerly adopted, certain stages were prescribed to the Bank in the progress of the resumption of cash payments. In the first instance, they were prohibited to pay in coin until a certain period; in the second they were permitted to pay in coin under certain limitations; and in the third the restrictions were to be removed altogether. By law, the Bank could not pay in coin till May 1822; the object of the present bill was not to alter the principle of the law, but merely to vary its operation by enabling the Bank to do that in May 1821, which they could not otherwise do till May 1822. He felt great satisfaction in stating that it was the intention of the Bank to adopt certain measures for issuing specie and paying off all their 1*l.* notes; and it would be a great public inconvenience not to give them the permissive power proposed by the bill.

The Marquis of *Lansdown* could not allow a measure of such importance to pass the third reading without making a few observations with respect to its general principle. The object of the bill was, not only to afford facility to the Bank, but at the same time to promote the advantage and convenience of the public. By this measure the Bank would be enabled to throw into circulation the specie which they had accumulated. And throughout the inquiries which had taken place on this subject, he had always maintained the opinion, which he saw no reason to change, that when once the currency of the country should be established on durable principles, the less of the precious metals which might remain in the Bank the better. The present bill however, did not rest its claims to the attention of the House, as being merely a measure to enable the Bank to pay in specie, but as embodying the general principle of the financial system attempted to be established two years ago. Nobody could now doubt the capability of the Bank to pay all demands upon them. All the difficulties which some persons had anticipated would attend the resumption of cash payments had been already surmounted by the Bank; for at any time within the last eight or nine months, the Bank could have paid all demands upon them without the slightest difficulty.—He did not consider the bill as in the smallest degree affecting the decision of the great question with respect to which kind of

currency it would be most expedient for parliament to establish, namely, whether a paper currency founded on a metallic standard, or a metallic currency only. If it could be hoped, that by adopting a metallic currency, a final extinction would be put on the crime of forgery, and all its train of demoralizing consequences, the determination of parliament would be in favour of the measure, whatever might be the inconveniencies attached to it. But he did not think that parliament was prepared to come to such a conclusion in favour of a metallic currency. The more he had considered the subject, the more he was satisfied that it still remained a question whether, after a paper currency had received all the improvement of which it was capable, it was probable one system would give rise to forgery to a greater extent than the other. From the papers which had recently been sent to their lordships from the other House he had collected some facts which bore materially on this question. He found that in the course of the last twenty years the convictions for coining amounted to 3191 whilst the convictions for forgery during the same period, with all the facilities afforded to the commission of that crime, by the defective state of the existing notes, amounted to only 1581. Thus it appeared, that during the time he had mentioned, the convictions for coining were nearly three times as many as those for forgery. It might be said that a great many of these convictions were for coining silver. Allowing that to be the case, as a large quantity of silver would still continue in circulation in the event of the resumption of payments in specie, no material diminution would take place. Besides, it might be expected, that when gold came into circulation, the temptation for coining would be greater than at present. He was sorry to learn that in the opinion of the best-informed persons on this subject, great facilities were afforded for the coining of gold by the introduction of platina. He did not make these observations with a view of inducing their lordships to come to any determination either one way or the other; he only wished them to suspend their judgments on this question—whether the safety of the community, as founded on the currency, and viewed with reference to the penal laws, would be better promoted by a metallic than a paper currency. For his own part he would say, that if the advantages of a metallic currency over that of paper could not be shown to be of sufficient importance to justify its preference, he would decide in favour of a paper currency as the most economical machine that could be adopted for carrying on the circulation of the country. After the bill should pass, the principle of a metallic standard, without a metallic currency, would still continue. He was of opinion that under these circumstances the Bank should be compelled to purchase gold a fraction below the Mint price. The Bank could have no objection to this. Alluding to the important measure which parliament had adopted two years ago, his lordship observed that he did not wish to retract any opinion which he had given on that subject. He did not desire to weaken the responsibility which the noble earl opposite and the rest of his majesty's ministers and parliament took upon themselves when they at that period attempted to bring back the standard to its denomination. He thought that parliament deserved the thanks of the country for adopting that measure, which had been forced upon them by necessity, for necessity imposed upon parliament the duty, even at the expense of great sacrifices, of avoiding to recur to a dangerous precedent. But though his opinions had undergone no change with respect to the propriety of that measure, he would repeat what he had stated on a former occasion—that it had never entered into the contemplation of any individual in the country, that the moment when the difficulties of the country were increased by the passing of the bill to which he alluded, another attempt would be made to increase the amount of taxation. It was the duty of parliament at that period to consider whether the taxation was adequate to the necessary expenditure of the country, and whether it was not possible to reduce the expenditure. If it had been deemed impossible to reduce the expenditure, it would have altered the view which he had taken of the suggestion of the committee of that House, because it would have altered his view of the practicability of carrying the recommendation of that committee into effect. He did not object to the particular taxes imposed at that time, but to the general principle of making any addition to the burthens of the country, whilst they were adopting a measure which tended to increase the already existing burthens—not only by the

difference it would create between the new and old denominations of coin, but by other results; for he was of opinion that his friend Mr. Baring had not successfully shown, in opposition to Mr. Ricardo, that the extended distress which at present existed was to be attributed to the difference in the value of coin at one moment compared with another, and not to a more extended influence. No person who had looked at the present condition of the country, and considered the distresses which weighed upon the agricultural and commercial classes, particularly the former, could avoid coming to the conclusion that those distresses were much beyond any thing that could be the result of any difference in the prices of bullion at one time and at another. Much as he approved of the step which had been taken towards a return to cash payments, he had to qualify his approbation in consequence of other circumstances. In adopting that step, he had hoped that the policy of ministers would have been to reduce the expenditure of the country, and not to increase its burthens, by the imposition of new taxes. But it would be said, that they could not think of relinquishing the idea of a sinking fund, and that that fund could not be rendered efficient without increasing the taxes. It appeared to him, however, that the sinking fund had been abandoned long before, and that the taxes had been imposed, not to maintain a real sinking fund, but merely the shadow of one. If it was really wished to establish a fund for reducing a debt, that certainly would have been done far more satisfactorily, and also more easily by diminishing the expenditure than by an endeavour to increase the revenue, by laying on taxes which would sap the roots of that wealth and industry through the employment of which, relief for the difficulties of the country was yet to be hoped for. It was not by the addition of three million of taxes to maintain the shadow of a sinking fund, that any thing like a diminution of the public debt was to be obtained. It was only by a strict economy, and by alleviating the pressure of taxation, that any thing like a real surplus for the liquidation of the national debt could be expected. In bringing back the finances and the currency of the country to a healthful state, there were three courses to be followed: from two of which he had, when this subject was before under consideration, stated that he should recoil, and from them he still would recoil with alarm. Their lordships might have diminished the interest paid to the public creditor; but this was a resource, the resorting to which could never be excused, except by an unavoidable necessity. It was a breach of public faith, from the idea of the commission of which their lordships must recoil with horror. There was another expedient. Their lordships might have altered the denomination of the coin, but if they did not choose to do that, there remained only for them the course which they had pursued. Having then resolved to return to the former currency, it was necessary to bring down the expenditure by reductions and economy below the revenue. He did not mean to say that this course had not in some measure been adopted; but it was necessary still to pursue it steadily, and avoid all deviations from it. To it only could they look for salvation to the country.

The Earl of *Lauderdale* said, he approved of the bill; but if he were to give his advice to the gentlemen of the Bank, it would be, that they should be very cautious in their proceedings under it. In making this observation he called their lordships' attention to the remarkable circumstance, that gold had been for about six months at one price. It had continued steadily at the standard price at which it was purchased by the Bank. Now, to tell him that an article continued for any considerable length of time at the same price was tantamount to saying that it did not come fairly into the market; for the ordinary law of supply and demand rendered it quite impossible that an invariable price should be maintained. When he found that the nominal price of standard gold had been for six, or even three, months, neither more nor less than 3*l.* 17*s.* 10½*d.* he must say that that circumstance afforded him no criterion whatever of the real price. But it was very easy for him, or any one of their lordships, to tell what the market price of standard gold ought to be, by comparing it with the price of Portuguese and doubloon gold. They knew how many carats fine each kind was, and they knew the price of each in the market. The price of these foreign gold coins was 3*l.* 14*s.* 6*d.* per ounce. The price of standard gold, therefore, compared with them, ought to be 3*l.* 19*s.* 0½*d.*

or 3*l.* 19*s.* 7*d.* Now, he would like to ask any of the gentlemen of the Bank, whether they ever had in view making payments at either of these prices? In fact, the present price was evidently artificial. His noble friend had alluded to the question, whether a paper or a metallic currency was preferable. He confessed, for his part, that even on the point of economy, he was not satisfied that a paper circulation was the most advantageous. He knew it was often said, that if you take thirty millions, the sum which might be necessary for the circulation of the country to purchase,* you thereby create all at once a dead capital. But this appeared to be an erroneous view of the subject. Gold was never purchased in the way contemplated, but gradually, and in exchange for manufactures exported. The purchase of the gold, therefore, instead of being disadvantageous to the country, was highly beneficial. The loss sustained by the depreciation of paper had also to be taken into consideration; and when the question was fairly weighed, their lordships would see reason to doubt whether, on the mere ground of economy, a metallic currency ought not to be their choice. Of this he was certain, that the advantage the manufacturers of the country must derive from it would be very great, by the encouragement it would give to exportation. But, if the country was to look forward to the possibility of being again engaged in foreign warfare, then it was highly important to have a metallic currency; and, much as he deprecated war, it was fit to be prepared for it.—There was another question connected with that of the nature of the currency started by his noble friend, namely, whether a greater risk arose from false coining or forging of notes. Now, considering that the price of silver was 4*s.* 10½*d.* or 4*s.* 11*d.* and the number of shillings the ounce was coined into, it appeared that no country in the world held out such encouragement to coining as this did. The coiner might gain by his operation altogether about 14 per cent. With regard to what had been said as to the reduction of the establishments of the country, he should be extremely glad to see any plan of that kind proposed, from which efficient relief could be expected. Every day, it was true, new schemes were proposed; and it was suggested to take 300*l.* from one man, and 400*l.* from another, and so on. This was a petty mode of proceeding, altogether unworthy of a great nation; but let him see how a million or half a million could be fairly saved, though that would go but a short way towards relief, and he would be glad to concur in the necessary means. His noble friend had also alluded to the denomination of the currency as affording a resource of which their lordships might have availed themselves. He was one who thought there was a time when their lordships might have altered the denomination of the currency with advantage. He meant at the time when the one-pound note was depreciated to 14*s.* 8*d.* Had it then been resolved to make the pound 16*s.*, a premium would have been given to every holder of 1*s.* 4*d.* The benefit derived by every man who had payments to make from the measure, and the effect it would have had in reducing the public burthens, would have rendered it satisfactory to the country. This favourable opportunity had, however, been allowed to pass by, and such an arrangement was now no longer practicable. But perhaps even now their lordships might go so far as to make silver a legal tender in payments. This, he was convinced, would prove a great relief to the tenantry throughout the country, and to the public at large. It certainly could not be greater violation of the principles of currency to make the silver coinage, of which 40*s.* was at present a legal tender, generally receivable, than what was done with respect to gold. He concurred in what his noble friend had said respecting the sinking fund. Were the country ten times more affluent than it now was, it would be absurd to persist in that ruinous scheme. His noble friend had called it the shadow of a sinking fund; but shadow as it was, the abolition of the establishment connected with it would be a great public benefit. If the three millions or two millions and a half employed to keep up this shadow were applied to the public service, there would result, not only a relief to the public, of taxes to that amount, but the produce of all the remaining taxes would be increased, and the demand for labour would be augmented. The mischievous consequences of the sinking fund, in the circumstances in which it now stood, were so obvious, that he could not understand how even those who were, on general grounds, advocates for such a measure, could support it at the present moment.

Lord *King* was very desirous to see the measure before their lordships carried into complete effect; but he believed great difficulties would be found to arise from the junction of increased taxation with a new currency. The noble lord who spoke last could see no means of effectually reducing the expenditure. Now it was not required of him, or any individual in that House, to point out details of reductions. Let, however, the House of Commons come to a resolution to reduce the expense of the public departments to fifteen millions, or any other given sum, and he was sure the head of the Treasury, the noble lord opposite, would discover how the business might be managed. He would doubtless say to the head of the army, you shall have only so much; to the head of the ordnance you shall have only so much; for miscellaneous services so much shall be allowed, and no more. As soon as this distribution was made, the required reductions would follow of course. The great difficulty to be contended with, and one which had always been foreseen, was that of paying the same amount of taxation as before with a currency of increased value. With regard to the sinking fund, any tax for its support was most objectionable. He conceived the proper view with respect to it was this—that at the time when steps were taking to raise a depreciated currency to the legal standard, it was wrong to bring forward another measure for the support of the sinking fund. Having, by the measures taken for restoring a just currency, increased the value of the fundholders dividend, was it reasonable that we should also increase his capital? Such, however, was the effect of imposing taxes for the support of a sinking fund. With regard to the price of gold, he was of opinion that the purchases of the Bank tended not merely to raise it to its proper value, but to carry it beyond it. The Bank gives a certain price for gold, 3*l.* 17*s.* 10½*d.* But, judging from the value, if this rate of payment were not given by the Bank, gold ought to have fallen below the standard price. The effect of the transactions of the Bank, therefore, was, to raise the gold currency not only to the Mint standard, but beyond it. With respect to purchases, the Bank, he thought, had done too much: there had been too great an eagerness for the collection of gold. The value of the paper was thus decreased in comparison with the gold. He should very much wish to see this measure accompanied by others. Their lordships ought to consider what the state of the law with regard to the currency now was. The acts inflicting penalties on sending gold out of the country had, he believed been repealed. These penalties were very properly abolished. But then it was to be recollected, that coin might be legally exported or melted, and that the country would therefore have to pay the expense of the coinage—of all the coins sent abroad, or committed to the crucible. This was, however, an evil easily remedied. In every other country in Europe, the expense of the coinage was taken out of the coin, and he thought a similar practice ought to be introduced here. He did not mean to recommend a seignorage. He would propose to take only the exact expense of coining, or what was called a brassage. He did not know what that might be; but suppose it amounted to one per cent, then a person taking gold to the Mint to be coined would receive 99 pieces for the value of 100 in bullion. This arrangement would take away the inducement to export or to melt the currency, while the coin would be kept up to the standard purity. The Mint arrangement, by which nothing is taken for the expense of coinage, was at all times a bad regulation; but was now, from the altered situation of the country, become much worse. From the change which was taking place in the government of South America, the precious metals would be brought here with more facility than to any other part of Europe. It was probable, therefore, that gold would always be cheaper in the English market than in any other: there would, of course, always be an influx of gold and silver into this country, and a reflux from it; but if the regulations of the Mint continued, it would be more convenient to export specie than bullion, and thus we should not only have to coin for ourselves, but for all the rest of Europe. He could not see why the expense of coining should be incurred by the public, when the standard of the coin could be maintained in equal purity by the arrangement he had described, or some process of a similar nature.

The Earl of *Liverpool* observed, that some particular views had been taken in the course of this conversation, the justice and propriety of which he was

not disposed to question. He agreed with the noble marquis who spoke last, and the noble lord in regarding the bill as a permissive regulation. It appeared to him right and expedient, not, at this moment, to determine what the precise system of our circulation finally should be. But at the same time he thought it his duty to remark, that the passing of this bill would certainly operate to increase, in a great degree, the difficulty and inconvenience of adopting other principles. The Bank were of opinion that it would be a judicious measure to pay, without further delay, their 1*l.* notes, now amounting to between six and seven millions, and to issue gold in their place. The metropolis, therefore, as well as the county of Lancaster, which was also supplied by the Bank, might very soon expect to possess a metallic instead of a paper currency. It was obvious that, after such a change, the inconveniences attending any plan for re-settling the system must be materially augmented. He did not at this time mean to go into a discussion of the question, whether upon the whole a paper or a metallic currency was the fittest for a country like this. Some doubts, however, he could not but entertain as to the accuracy of the noble marquis's proposition; the inclination of his own mind being, that, of the two, a metallic currency was the most advantageous. The superior economy of a paper circulation had been alluded to; but the attendant evils, he feared, overbalanced that advantage, important as it might be. The extent to which forgery prevailed, as compared with the offence of coining, formed one very serious objection. It must be remembered, too, that the forgeries consisted chiefly of one-pound notes, and entirely of notes of a small denomination. At critical periods, when a danger of overtrading existed, and a variety of fictitious capital was brought into activity, a paper currency was by far the best calculated to encourage the spirit of the first, and the formation of the latter. Giving, therefore, all its due weight to the argument of economy, he apprehended, that where it was wished to establish a fixed and solid system, the preference ought still to be given to a currency composed of the precious metals. Nevertheless, he was desirous that the subject should be still left open for discussion. Whilst he was upon this topic, he might also remind their lordships that there was a metallic currency in this country up to the period of the suspension of cash payments at the Bank, and that it was, therefore, the system under which we had become what we were.—Having said thus much, he would shortly refer to the particular measure before their lordships. The market price of gold, he had reason to believe, was below the standard price of 3*l.* 17*s.* 10½*d.* Large quantities of bullion, to the amount of perhaps 500,000*l.*, now entered this country monthly. The price of gold was necessarily on the decline, and probably did not at present exceed 3*l.* 15*s.* or 3*l.* 16*s.* But, when gold was at 4*l.* per ounce, it was because the Bank, no doubt in the exercise of a conscientious judgment, thought proper to give that price. Another subject introduced into the discussion was the 3,000,000*l.* of new taxes imposed in 1819, and to which the most unfortunate effects had been ascribed. Now, it was his firm belief that those taxes had not at all increased the public distress. Since the termination of the war no less than 16,000,000*l.* of taxes had been reduced; and it would not be difficult to show that similar or greater distress existed in other countries where there were no such taxes. The pressure upon agriculture had been felt upon the continent; and, in America the difficulties of their situation had rendered it necessary to negociate a loan during the session of congress. With respect to the sinking fund, he was one of those who had advised that an addition should be made to it two years ago. He did so upon this principle—that if an effectual sinking fund was to be maintained, and that already in existence to be increased, it was most wise to do at once whatever was desirable, and then leave the country to itself. Nothing had operated more to prevent them from knowing the actual situation of the country than the practice of raising loans in time of peace, by which the money market was kept in a feverish and precarious state. If it was expedient to maintain a sinking fund, the next consideration was, what ought to be its amount? With reference to the first point, it did appear to him, that, supposing the reduction of debt to be the object, it was yet very important to keep a sinking fund; and that as no private individual could be called opulent without a surplus of income, so a nation could not be truly flourishing or prosperous without a like excess over its expenditure. Circum-

stances might easily arise which would demand at once the additional expenditure of two or three millions. Such a necessity might be brought about by unfavourable seasons, or by an unavoidable increase of our military force. Without some resource of this kind, therefore, a nation did not give itself elbow-room, nor prepare for any of those exigencies which were of perpetual recurrence. Upon these grounds he had come to the conclusion that it was desirable that a sinking fund of 5,000,000*l.* should be established.—He now came to notice those ideas which had been suggested in some quarters, as to the means of obtaining relief by reducing the interest of the public debt. Such an act would, in his opinion, be the most disgraceful that any legislature could commit; and it would be a waste of words to expose its monstrous injustice. By another plan it was proposed to introduce a slight depreciation in the value of the currency; but this was precisely the same thing, done in a still more objectionable mode. Much had been said of the possibility of reducing our establishments; and their lordships knew, by the votes of the other House, that inquiry had been made into the several branches of our expenditure. Some considerable retrenchments had been made; but it was of importance that their lordships should know how this matter really stood. The great burthen at present was the half-pay of the army, the navy, and the ordnance. The charge alone of the army and ordnance in this respect amounted to 5,000,000*l.*, or what formerly was sufficient for defraying the whole expenses of our civil establishment. Now, this was a source of expenditure that must continue to flow on; it was a subject which they could not touch. It now cost more to support the same number of men than it did formerly. It had been, therefore, found necessary to raise their pay; and perhaps the increase had been too large; but he must be a bold man who would now propose to reduce it to its former amount. Of such items, however, the mass of our expenditure was made up; and unless they could be deducted from the account, he did not see where any effectual retrenchment was to take place. He knew it was said, that our military establishments were too large for a time of peace. To this he could only answer, that ministers were disposed to bring them within as narrow limits as was consistent with their duty. It was obvious, however, in the altered circumstances of the country, that a much more considerable force than was maintained at preceding periods of tranquillity had become requisite. The noble lord had alluded to the existing system of coinage, and seemed to think it capable of some amendment. There were two principles upon which the views of the noble lord might be carried into effect. To the first, that of a seignorage, he entertained a decided objection. That of a brassage seemed to point out a system entirely new, and would require much consideration.

The Earl of *Darnley* expressed his conviction that great retrenchments might be effected in the public expenditure. With this impression on his mind, he should feel it his duty to call their lordships' attention to the subject during the present session.

The Duke of *Wellington* stated, that if the whole of the ordnance department were abolished, the salaries and half-pay must remain, and the amount of the reduction would not exceed one-third of the present expenditure.

The Bill was then read a third time.

HOUSE OF COMMONS.

Friday, May 4.

DUTY ON EAST INDIA SUGARS.] Lord Stanley presented a Petition from the Chamber of Commerce of Manchester, against any additional Duty on East India Sugar, for the protection of the West India grower.

The *Chancellor of the Exchequer* vindicated the policy of laying a higher duty on East India sugars than on those made in the West Indies.

Mr. *Ricardo* objected altogether to the principle of this tax, which recognised the policy of giving the produce of one country a preference to that of another.

Mr. *Bennet* wished to know why English consumer should be obliged t pay more for sugar from the West than from the East Indies. For his part, he was not inclined to give such a preference to any class of men, much less to people who had vested their capital in dealing in human flesh. The interest of the consumer, as well as that of the trader, was a point which the House ought never to lose sight of. He would stand up for the people of this country, against the West India trader or grower, or whatever he

might be called, as well as against the English land-owner, when he required an unjust protection, or the ship-owner, as in the case of the timber duties, or any other class of men who wished to make the legislature the instrument of increasing their profits at the expense of the interests of the people at large.

Mr. *Gordon* said, that notwithstanding his hon. friend's lecture on political economy, it was impossible for the West Indian trade to go on, unless by the aid of such a protecting duty. He thought his hon. friend might have spared himself the use of such expressions as he had applied to the West Indian colonists, when he called them dealers in human flesh; such expressions being both uncalled for, and unjust.

Mr. *Barham* said, the West India interest desired no advantage; but as burthens twenty times greater than had been imposed on any other body had fallen on them, they were justified in calling for some relief to enable them to exist. His hon. friend had thought it right to speak of all persons who had by any circumstance become possessed of property in the West Indies, as having vested their capital in human flesh. He thought his hon. friend, when he reflected on what he had said, would feel how unfair his conduct had been, and was confident that his own reproaches would be more severe than any which he could bring himself to pronounce.

Mr. *Bernal*, with all the respect which he had for the humanity of his hon. friend, wondered that he should allow the heat of the moment to delude his understanding. If his hon. friend inquired into the system of slave management, he would find it to be one of humanity. He must know that the language he had used would go abroad, and operate to the prejudice of the West India traders; and therefore he trusted he would retract the asperity of the expression which he had applied to them.

Mr. *Bennet* said, he was called on to give up his opinion, and to state, that, generally speaking, the slave-trade was one of humanity. He believed it to be no such thing. As an individual capable of forming an opinion upon the principle itself, he could see nothing so humane in it as to lessen the feeling which he had expressed towards it. He certainly did not mean to apply the expressions to any one about him. No doubt there were instances where the cruelty of the principle was mitigated in the practice; but upon its general merits, he must always maintain the slave trade to be founded on a principle that could not be reconciled to humanity.

Mr. *Gordon* wished his hon. friend would abstain from speaking on a subject which he did not understand.

Sir *R. Wilson* had no hesitation in declaring his belief, that the system of slavery in the West Indies was of the most cruel and atrocious nature.

Dr. *Lushington* observed, that where slavery was tolerated it was impossible that the principles of humanity should not be violated. Against individuals connected with the West India trade his hon. friend had thrown out no charge, but against the slave system, which must ever be productive of human misery.

Ordered to lie on the table.

STATE OF THE NATION, AS CONNECTED WITH THE EVENTS NOW PASSING IN EUROPE.] On the order of the day, for going into a Committee of Supply,

Mr. *Hutchinson* rose to submit the motion of which he had given notice. He began by observing, that it was not his intention on the present occasion to interfere in any degree with the subject on which a noble lord (W. Bentinck) had given a notice. If he thought that his motion would anticipate, or at all interfere with that of the noble lord, he certainly would not press it. In entering upon so vast and important a subject, he was conscious of his own inadequacy to the task. He would, however, open his view of it to the House, confident that it would be ably enlarged upon by those honourable members who should support him. Looking at the present situation of Europe, he could not but feel considerable apprehension, as well at the nature of the events which were passing, as at the conduct of the British government with respect to them. When the situation of Italy was brought before parliament in February last his majesty's ministers declared that it was not their intention to interfere with respect to Naples. The document which was at that time laid before, and made the subject of discussion in, the other House, declared that the intentions of our government were those of strict neutrality; but nevertheless, they were not backward in showing what their feelings were, and how far those feelings were against the cause of the

Neapolitans. It was then contended, that the object of the Austrians was not aggrandisement, but the security of their Italian possessions. It was then thought by many, that the Neapolitans and the other Italian states would have had sufficient force to repel the aggressions of Austria; and glad he would have been if the whole of the force sent by the tyrannical government of Austria had been destroyed. But what had happened? Naples was now completely under the Austrian yoke; the kingdom of Sardinia was likewise in her possession; but notwithstanding this, we found that an immense body of Russians were rushing from their woods to give assistance to Austria, which he sincerely regretted that Austria did not need. Thus we saw that Austria was in full possession of Italy, the Russians advancing in great force to support that power, while she was preparing to govern her newly-acquired possessions (for such he would consider them) with a most bloody code. Under these circumstances, it behoved his majesty's ministers to do something to tranquillize parliament and the country on the subject. Looking at the disturbed state of Greece; seeing that in Spain some of the most respectable individuals had been deported, and that a civil war existed in several provinces, in which, indeed, martial law had been proclaimed, and adverting to the great changes of every description which had taken place since February, he did not see how the noble marquis could justify himself in sitting still and, allowing tyranny to be triumphantly established in Europe, without the slightest interference on our part to prevent it. In this state of things, anxiously as he and his friends had laboured to little purpose for some weeks past to reduce the army estimates to what they ought to be for a peace establishment, and though he thought war one of the greatest calamities that could befall this country, yet he thought it right to say there might be that which would be more fatal even than war to this country and the liberties of mankind. He did not see that the noble marquis and his colleagues could answer, not for the peace of Europe, but for the peace of this country, if they suffered Russia and Austria to advance further, as they said, to seek security, but as it would ultimately be seen to carry into effect new schemes of aggrandisement. He thought ministers could not answer for the security of Europe, or the maritime greatness of this country, if they now suffered the allies to occupy a military position, from which all the force of the empire would be insufficient to dislodge them at a future period. There was no danger that justified their present movements; but tyrants and despots wished all subjects to be slaves, and would put down liberty on any pretence whatever. In Italy they would put it down on account of the Carbonari—in Spain they would put it down on account of its being desired by what they could not respect, the population of a country—and they would find some excuse for putting it down in England, if they could approach our shores in safety. It was not new to call on England to come forward when other powers had taken strong and threatening positions. In such cases it had long been the policy of this country to interfere, and therefore it would not satisfy him to be told, that whatever Russia and Austria might intend with respect to Spain, this country had nothing to do with it. Heretofore, England had gone to war to establish a balance of power in Europe. For that we were at war during nearly the whole of the reign of Louis 14th, and for that we had lately been at war for nearly a quarter of a century. In 1790, in the case of Nootka Sound, it was thought right to interfere, and the preparations then made on the part of Spain were thought sufficient to justify a message from the Crown to that House on the subject. In 1790 and 1791, we armed and continued armed for fourteen months, not because we apprehended any direct attack from the Empress Catherine, but because it was not considered safe for the British interests, that Russia should be suffered to take possession of Oczakow. On that occasion lord Grenville, then the secretary of state for foreign affairs, ridiculed the idea that England was not interested in what was passing on the continent. God forbid that he should think it absolutely necessary that the country should be again plunged into the horrors of war! He hoped that the noble marquis, however, would make some declaration calculated to meet the occasion; and he should consider a proposition for a vote of credit an advisable measure. The noble marquis would, in his opinion, not do his duty, unless he told Spain, that we were ready to make an alliance, offensive and defensive, with that country, the moment that a single soldier

was sent into it by any power in Europe. Further, the noble marquis ought to let it be known in France, that the moment the French government allowed an Austrian soldier to cross the French territory to Spain, England would consider it a declaration of war. He would also recommend, if Russia persisted in her system of dictation, that a fleet should be sent up the Baltic, for the purpose of blockading every Russian port. Such a step by destroying her commerce, would soon compel her to seek an unqualified peace. If the noble marquis viewed the state of Europe with the apprehension which it was certainly calculated to excite, he ought to form a strict alliance with Spain and France. Let the king of France go on cultivating the affections of his people, let the British government show themselves disposed to assert the rights of freedom against its assailants, and England with her navy, and France with her heroes, might defy all the tyrants of the world. But if the noble marquis postponed measures of this nature, they would come too late. He was apprehensive, however, that Russia and Austria, acting as they were on a great scale to ruin the liberties of the world would plead in their justification the conduct of the noble marquis at Vienna, at Paris, and at Aix-la-Chapelle. He was afraid they would retort upon the noble marquis, the additions to the territory of Hanover; the annexation of Belgium to Holland; the plunder of Saxony in order to aggrandize Prussia; the destruction of Wurtemburgh to incorporate it with Bavaria; the spoliation of Italy to enrich Austria; the breach of faith with Genoa to annex it to Sardinia; and all the other measures of a similar character, to which the noble marquis was a willing party. The governments of Europe would have found it impossible to put down the tyranny of Buonaparte, were it not for the co-operation of that people whose liberties were now threatened, if not destroyed. Those people were promised a constitution, but that promise was kept by a violation, not only of their liberties, but of the liberties of Europe. But, if this country charged Austria and Russia with such conduct, what would be their answer? Might they not fairly turn round upon us, and retaliate by saying, that we also had acted upon a system of spoliation and oppression? That we had done so particularly at Paris, though in a petty way? The noble marquis had placed himself in a situation of great peril and danger; but having done so, it was his duty to look the danger boldly in the face, and if he had been acting upon false principles before, he ought to retrace his steps, and use his best efforts to redeem the errors into which he had fallen. He would tell the noble marquis, that the principles acted upon by this government since the treaty of Paris and the battle of Waterloo, were subversive of the liberties of Europe. The noble marquis and his friends had stated over and over again, that the efforts made by this country had secured the happiness and tranquillity of Europe. He would ask the noble marquis where he was to look for this tranquillity of Europe. Sure he was, that it was neither to be found in this country, nor on the continent. Let the noble marquis speak out—let him tell the House what he really thought of the existing state of affairs both at home and abroad, and he was sure that the House would be led to a different conclusion. He feared much, that unless we changed our policy—unless we acted upon principles totally different from those upon which our government had acted for some time past—we should be at length reduced to the humiliating situation of being obliged to beg our existence as a nation, as certain powers on the continent were now obliged to beg theirs. He believed that his majesty's ministers had no intention of forwarding the designs of the tyrants of the continent —they could not possess British feelings if they had; but what he feared was, that they, and the noble marquis in particular, were blind to what those tyrants wished to do, from the long intercourse which they had had together. What he wished was, that this country should take a commanding attitude, not only for the preservation of her own interests, but of the liberties and peace of Europe. The hon. member then alluded to the exertions made by the different states of the continent, against the tyrannical power of France, and contended that the promises then made to them of free constitutions, had been most shamefully violated. He wished to set himself right, as a member of that House, with the country and with Europe, and therefore it was that he had occupied the time of the House upon the present occasion. The hon. member concluded by moving, as an amendment, "That this House will resolve itself into

a Committee of the whole House to consider of the State of the Nation, as connected with the Events now passing in Europe."

The Marquis of *Londonderry* said, he could not help objecting to the mode of proceeding adopted by the hon. member. Nothing, however, which had been urged in the course of the hon. member's speech rendered it necessary for him to enter at that moment into the details of the subject. When he came down to the House, he was under the impression that the House was to enter into a discussion on the navy estimates, and when such a question stood upon the paper, he thought it improper that they should be diverted from it, and dragged into an inquiry into the state of the nation with reference to foreign politics. When he heard of the hon. member's motion, he thought he intended to show that the existing state of Europe would enable us to dispense with a considerable portion of the navy estimates. But instead of hearing it recommended that a great portion of those estimates should be cut down, he could not help feeling some surprise at finding an accusation made against him which would form the ground of impeachment, for not having called upon the House, by a message from the Crown, to grant such additional sums as would place the country in a situation to resist the dangers with which she was threatened. He must, however, with all respect, decline the alternative which the hon. member had given him. The hon. member had also given him much advice, and no doubt with the best possible intention; he recommended entering into treaties offensive and defensive with France and Spain, blockading the greater part of the Northern ports, and many other measures of a very salutary nature no doubt, but which were, he must say, wholly thrown away upon him. He felt it necessary also to decline all political advice, when it came from an hon. member who did not appear to see the political state of Europe with sufficient clearness to enable him to make up his own mind upon it. He felt that ministers would act with great rashness if they followed any advice so tendered to them. He never knew it to be the parliamentary course to goad ministers into any act, or any explanation, by such an irregular proceeding as that adopted by the hon. member. If the hon. member would allow him to suggest to him and to his friends, a hint which he had before thrown out, he would recommend to them, for their own sakes, not to be so very precipitate in giving their advice and opinions upon such subjects. When the affairs of Naples were last discussed in that House, he heard several statements made upon which he declined giving any opinion. He forbore at the moment from stating what line of conduct ought to be pursued by this or any other country. It now appeared, that many of the statements then made were fallacious. Whatever might be the comments and opinions now pronounced, he would recommend to the hon. mover and his friends to change their course—to act a little more upon realities rather than indulge in speculating upon possibilities, or rather upon impossibilities. By this means much of the time and attention of the House would be spared. He did not presume to say what would be the result of present events on the continent, but he would caution the hon. member against assuming, that because the Russian army had been put in motion in consequence of certain events in Piedmont, they were therefore to proceed to other countries, and for other purposes. He would not take upon himself the task of prophesying what would happen, as it was at best a useless office; but he would say, that there being at present no evidence of such a fact as the advance of the Russian army, it was wrong to assume, and then argue upon it. He would state to the House how it was that the Russian army was put in motion. It was known that an insurrection similar to that of Naples, which had been much panegyrised by several members opposite, had taken place in Piedmont. It was said that both insurrections had taken place in the cause of liberty. He never could dignify by the word liberty the attempts of a military body to resist their lawful sovereign, and tear down and destroy the most sacred institutions of the country, without knowing or caring by what those institutions were to be replaced. Of this description was the insurrection in Piedmont. The king of Sardinia resigned in favour of his brother, and his nephew was placed at the head of the provisional government. In a few days he also was forced to retire from his regency. The first act of the new government was a declaration of war against Austria. Without entering into the motives of this proceeding, it was sufficient

to state that this declaration of war originated with those favoured and panegyrized children of liberty. What then was to be done? The king of Sardinia under such circumstances, felt himself compelled to apply to Austria for assistance. Austria applied to Russia for support against this insurrectionary government; in consequence of which, a large body of Russian troops were put in motion and actually entered the Austrian frontier. But the circumstances which induced this movement having changed, did it necessarily follow that those troops were to continue their route? The consequence of this movement was, that the insurrectionary government of Piedmont ceased to exist; but it was suppressed more immediately by the troops of the king of Sardinia, as only a very small part of the Austrian troops had been brought up. If the emperors of Austria and Russia entertained the intentions imputed to them by the hon. member of wishing to overturn the liberties of Europe, would they have acted in the manner they had done? It was a fact, that general Bubna, who commanded the Austrian forces had orders to enter Piedmont as little as possible, and above all, to avoid approaching the capital. Now, this savoured as little as possible of a wish to overrun the whole of Europe. He was sure the House would forgive him for protesting against the introduction of a motion which prevented them from entering on one of the most important discussions which could come before them. He was as anxious as any member that every possible economy should be practised, and with that view he was desirous that the public estimates should undergo the closest investigation in all their branches. He would repeat a declaration which he had made on a former occasion, that if those powers were to manifest any inclination or intention of aggrandising themselves at the expense of the peace of Europe. He would be the first to propose the interference of this country. We ought to look with jealousy to foreign powers, but we ought now to recollect that we were in a state of peace, and that it was our interest not to disturb that peace by unnecessarily meddling with continental affairs. He was not aware of any circumstance which could render such interference necessary at present. He would not say that circumstances might not arise which would make our interference necessary; and should such a period arrive, we should be better able to meet it by preserving as long as possible our present state of internal and external tranquillity. The motion of the hon. member was founded upon an imperfect view of the political state of Europe, and therefore he felt himself bound to oppose it.

Sir *R. Wilson* apprehended that ministers were so entangled with confederate tyrants, that it was impossible for them to follow the true policy of this country, even if it were their inclination. He must however believe, that they regarded with pleasure the overthrow of the Neapolitan constitution and the threatening of the constitution of Spain. If they did not, they would have taken measures to oppose the conduct of the enemies of European liberty. He thought that the people of Europe had still enough of spirit and of strength, to vindicate the past and to secure the future. There was no cause for despair: if despair existed, it was that despair which animates, and which persuades men that they can have no security but in action and in arms. The government of Piedmont, which the noble lord had called insurrectionary, but which he would call provisional, had most truly said that the cause of constitutional liberty had been morally successful. The possession of Naples was by no means the triumph of Austria. Austria had endeavoured to suppress a volcano, and every attempt to extinguish its fires increased, instead of diminishing them. Austria looked for aid to scaffolds and military executions; but such aids only offered additional impediments to her successful occupation. Austria then, had no cause of triumph, and the people of Europe no cause to despair.

Colonel *Davies* was happy to hear that the Russian army had stopped its march. He wished to be informed by the noble marquis whether he had had any communication with the Russian government upon the subject. If the object of the Russian army was only to take possession of Italy, from the conduct of the dastardly wretches who had disgraced the name of liberty, he cared not what became of them.

The Marquis of *Londonderry* said, that the Russians had been put in motion at the request of the king of Sardinia, and the emperor of Austria, and therefore it was clear that their march had no reference to Spain. Further than this he had

not gone, except in cautioning gentlemen against assuming as fact that of which there was no proof.

The amendment was negatived.

NAVY ESTIMATES.] The order of the day for going into a Committee of Supply was then read. On the motion, "That Mr. Speaker do now leave the Chair,"

Mr. *Hume* said, that he had a few observations to make before the Speaker left the chair. No man in that House or in the country, felt more than he did the great importance of the navy—no man was more anxious than he was to preserve it unimpaired: to its naval power this country was indebted for its pre-eminent station, compared with the other nations of Europe; friendly, however, as he was to our naval establishment, he yet thought that it could be kept up in a state as perfect as it stood at present, and at much less expense. He did not at that moment mean to go into questions of detail, but would merely take the total expenditures of various departments and compare those expenditures with those of former periods. Here the hon. member went into several items of expenditure connected with various branches of the naval departments. He then went on to say, that considering the great reductions that had recently taken place in almost every article, the House ought to look narrowly at the different heads of expenditure, and endeavour to approximate the expenditure to the expenditure of 1792. He regretted to have heard a declaration made that night in another place by a noble earl (Liverpool), that no further reduction could be made in the present expenditure of the country. He hoped that before that day twelvemonths considerable reductions would be made. The hon. gentleman concluded by moving as an amendment,

"That it appears, by the returns before this House, that the expense of the Admiralty office, of the Navy Pay office, and of the Navy Office establishments, in the year 1792, when there were 144 ships in commission 257 ships in ordinary, and 16,000 seamen and marines in the service, was 58,719*l.*; that, in the year 1813, when there were 666 ships in commission, 355 in ordinary, and 140,000 seamen and marines in the service, the expense of those offices was 189,227*l.*; and in the estimates for 1821, when there are only 119 ships in commission, 582 in ordinary, and 22,000 seamen and marines in the service, the expense is 185,050*l.* for those offices, being only a reduction of 4,177*l.* in the sixth year of peace from the year 1813 of extended warfare, and the sum of 126,331*l.* more in 1821 than in 1792:—That the expense of the dock yard establishments in England in the year 1792 was 25,352*l.*; in the year 1813 it amounted to 212,143*l.*; and in the estimate for the year 1821, the amount is 210,745*l.*, being only 1,398*l.* less than in 1813, and of 185,393*l.* more in 1821 than in 1792; that the expense of the foreign dock yards in the year 1813 was 52,369*l.*, and by the estimate for 1821 the charge is 53,951*l.* being 1,591*l.* more in the year 1821, a year of peace, than in 1813, a year of war:—That the sum voted for the ordinary estimate of the navy in the year 1792 was, 672,483*l.*; the sum voted for the ordinary estimate of the year 1813, was 1,757,928*l.*; and that the ordinary estimate for 1821 amounts to 2,484,600*l.*, being, 1,812,118*l.* more than the estimate of the year 1792, and 726,672*l.* more than that of the year 1813:—That the total supply voted for the service of the navy in the year 1792 was 1,985,482*l.* with 16,000 seamen and marines in the service; that in the year 1819 the supply voted for the navy was 5,985,415*l.* with 19,000 seamen and marines in the service; and the estimate for the total supply of 1821 is 6,382,786*l.*, with 22,000 seamen and marines in the service, being a charge of 4,397,304*l.* more in 1821 than in 1792, and of 397,371*l.* more in 1821 than in 1819."

Sir G. *Warrender* said, he would not follow the hon. gentleman through the details into which he had entered, though in the committee he should be happy to afford him an opportunity of correcting some of the errors into which he had fallen. It was very material to recollect, that in 1792 the actual expenditure and the sum voted were very different; and it was not until some years afterwards that the estimates represented the real expense. In referring to the Admiralty office, the hon. gentleman had omitted to notice the change in the system of fees by which the establishment was formerly maintained. The management and regulation of the dock-yards had undergone a complete change since 1792; a comparison therefore was altogether unfair. To the ordinary establishment of the navy, the

widows pensions made a heavy addition. The causes of the increase in the charge for building and repairing ships would be explained hereafter, when it would be shown that the public money had not been needlessly expended.

Mr. *Hume* said, he would not press his amendment to a division.

The House having resolved itself into a committee,

Sir *George Warrender* rose to bring forward the Navy Estimates. He observed, that it was impossible for parliament to judge of the amount of emoluments received by dock-yard officers, in the year 1792, from any documents submitted to its notice. At that time a dock-yard officer, with a salary of only 100*l.* a year, might receive emoluments to the amount of 1,000 a year; whereas at present all his emoluments were known to, and limited by, parliament. Formerly, so far from being a check to abuse in the yard to which he was attached, he was actually busied in promoting it: at present a system had been introduced, which made it his interest to look carefully after the interest of the public. The plan of task and check work had certainly introduced new officers into his majesty's yards; but the benefits derived therefrom, had more than compensated the expense they had occasioned. On the return of peace it had been the first object of government to place such of our ships as had been for many years at sea, in an efficient state of ordinary; and that object had been so far accomplished that orders had already been issued from the board of Admiralty for the discontinuance of one-fifth of the men employed in the dock-yards. Besides this reduction, inquiries were now making for the purpose of discovering what further reductions could be effected. He believed he might promise the House that a very considerable reduction would be made with respect to the commissioners of dock-yards, and also to the civil officers employed in them, in the course of the ensuing year; and he did not know whether it might not be found expedient to reduce one of the dock-yards altogether within that period. The hon. baronet then proceeded to detail the different items in the estimates. He stated, that the increase of 11,000*l.* in the salaries and contingencies of the Admiralty-office was occasioned partly by the reward given by the board of Longitude to the crews of the Hecla and Griper, and partly by circumstances which he would at a future period shortly enumerate. The disbursements of the assistant to the counsel of the navy in law-suits, &c. was 11,000*l.* this year: last year they had only been 8,000*l.* There was also an increase in the contingencies relative to the service wherein the hydrographer was employed; but this would not be surprising to any member who recollected that the maritime surveys were more conveniently taken in a time of peace than in a time of war. He should also have to ask for a grant of 32,000*l.* to Greenwich hospital, as 8,000*l.* to the naval asylum. Last year he had asked 14,000*l.* for that purpose; but as it was now intended to unite that establishment with the school at Greenwich hospital, several expensive offices would be reduced, and the sum which he had mentioned would be sufficiently large for the present year. He should now move, "That the sum of 2,484,599*l.* 11*s.* 5*d.* be granted for the ordinary expenses of the Navy for the year 1821."

Mr. *Bernal* objected to granting so large a sum of money in a single grant, and trusted that the hon. baronet would not persist in pressing it in that form.

Sir *G. Warrender* said, that it was the invariable practice to vote the estimates in the manner which he had proposed. He had no wish to create any obstacles to the investigation of these estimates; indeed, he was as desirous as the hon. gentleman opposite could be to have them thoroughly sifted. He had therefore, from a presentiment that an objection would be taken against the old method of passing the estimates, prepared the votes in such a manner as would meet the object of the hon. gentlemen. He would therefore withdraw his motion, and move, "That 70,596*l.* 5*s.* 1*d.* be granted for defraying the salaries and contingent expenses of the Admiralty-office, for the year 1821."

Mr. *Bernal* objected to this grant. If reduction was necessary in any branch of the public service, it certainly was in the Admiralty board. No sufficient reason could be given for the existence of six lords with salaries of 1,000*l.* a year each. He thought that two of them might be reduced without any injury to the public business. He must also object to the further continuance of the office of vice-admiral of Scotland, which different finance committees had declared to be totally un-

necessary. The salary of that office was 1,000*l.* a year. There was another, which appeared to him to be equally objectionable; he meant that of paymaster of royal marines. He thought it might be abolished; but if it were deemed advisable to continue it, the salary might unquestionably be diminished to 500*l.* a year. He should therefore move, that a reduction of 3,500*l.* be made in the grant now proposed.

Sir *George Cockburne* defended the original grant. With regard to the office of vice-admiral of Scotland, that office was enjoyed by a patent, and therefore could not be touched without an act of extreme injustice. As to the two lords of the Admiralty, whom it had been proposed to reduce, he was convinced that the public business of the board of Admiralty could not be efficiently transacted without them. The duties of that board were both civil and military, but belonged more to the former than they did to the latter description. The board had in consequence been divided into two distinct boards; and, strange as it might appear to the House, the number of clerks employed under the civil board, to say nothing of the law clerks, who were also numerous, greatly exceeded the number of clerks employed under the military board. But the cause which he had mentioned was not the only one; for the board of Admiralty containing a board within itself, it was evident that the duty of the commissioners would frequently render it necessary for them to go to the outports. Business would also be occurring in town at the same time, of such a nature as to render it necessary for some of them to remain there to attend it. The expediency, therefore, of having a distinct board for the transaction of the town business and the outport business could not be disputed. Gentlemen would say, that four lords of the Admiralty might constitute these two distinct boards as well as six; to which he would reply that no doubt they might. But then he maintained that one-half of the whole board ought to be naval officers; and if there were only two of them, they might differ in opinion, and thus bring the public business to a stand-still. This evil was completely obviated by having six lords of the Admiralty, of which three were naval and three civil lords. He might be told, that the evil which he contemplated would be equally well avoided by having only two lords of the Admiralty, one a naval the other a civil lord; and if the gentlemen opposite could find any individual who could, without injury to his health, attend at his office from nine o'clock in the morning till 4 in the afternoon, and then be in his place in that House, from 4 in the afternoon, until 2 in the morning, to answer such questions as might be put to him, he, for one, had no objection to let them instal him in the office. He was of opinion, however, that no such individual could be found; and until such individual could be found, he would maintain that six lords of the Admiralty were not too many for the office. The business which they had to perform was excessive, and rendered it as necessary for them to be sometimes absent from town in search of recreation, as it was for other gentlemen. It was therefore right for them to provide relief for each other, which had accordingly been done from the earliest period of our naval history; for when we had a lord high admiral, he was always provided with his six assistants. After maintaining the necessity of never having more than three naval lords at the board, lest the same inconvenience should arise from it, as he had before shown would arise from only having two, he proceeded to show the necessity of having three well-read civilians at it; not more for the purpose of overlooking the various contracts and expenses of the offices under them, than that of explaining any difficulties which might arise out of misconstructions put upon Puffendorff, Vattel, or any other writer upon the law of nations.

Sir *Joseph Yorke* said, that nothing would have induced him to have risen but the extraordinary language which he had just heard from his gallant friend. Considering, however, that the country was reduced to a state of extreme poverty, and that the great ships the Britannia, the Caledonia and the Hibernia, if they were not completely water-logged, had at least six feet water in their holds, it became the duty of the captain, the officers, and the crew, and he meant by that metaphor the king, the ministers, and the representatives of the people, to look, one and all, to the safety of each ship, and to do their best to prevent them from sinking. He had often heard it said, that retrenchment was the only means of salvation which remained to this great and independent nation. He did not mean to state that it was his opinion that such was

the case; but he must say, that he had never heard a direct answer given to the assertion by his right hon. friend below him, the gentleman with the white head (the chancellor of the exchequer). It was impossible to continue silent when he heard a declaration made, that the business of the Admiralty could not be transacted with less than six lords. "But then," said his gallant friend, "three of the civil lords are engaged in making all the contracts relative to the navy." If such were the case, of which, till that moment, he was unaware, then his gallant friend, the comptroller of the navy, ought to be discharged as a supernumerary, from the office which he filled with no less credit to himself than benefit to the public. But then there were also to be three naval lords, because two of a trade seldom agreed, and there might be a difference between them if there were only two. From all that he had seen of these lords, two of them only were allowed to speak, the other always acted the part of "dummy." The civil gentlemen seemed also to be very fond of saying as few words as possible. The hon. baronet below him (sir G. Warrender) got up a speech indeed every year, and let it off with all due flippancy; but, besides that, he never said a word about the naval service, unless it might be in St. James's-street, or any other place where he took the air. As to the other remark, that it was necessary to have lawyers at the board, there never was such an apple of discord thrown into any body of men as lawyers; but surely, there was law enough at the board without the lords in question. The first lord was a lawyer. His hon. friend the secretary (Mr. Croker) was a bred lawyer, and talked on matters of law with sufficient flippancy. So there was a lawyer at the head and a lawyer at the bottom of the table. From the respect he bore to the persons who held the office, he was sorry to propose to reduce their salaries, but he was sure that the efficiency of the Admiralty would not be at all diminished, if the number of the lords were five instead of seven. On his faith, his honour, and his conscience, he believed it. Until the year 1806, the salary of the first lord was only 3,000*l.* when it was increased to 5,000*l.* at the time when earl Grey held the office. It did appear to him a little extraordinary, that the gentlemen over the way did not advert to this subject. Not that it was possible that a nobleman or a commoner could maintain the situation of a cabinet minister on 3,000*l.* a year, without great loss; but if the first lord had any other office, he certainly should not take in all more than 5,000*l.* a year. The marquis Camden had the thanks of the House for giving up part of his salary as teller of the exchequer; but a right hon. relative of his own (Mr. C. Yorke) had given up the additional 2,000*l.* a year while he held the place of first lord, and not a word was said about it. He meant no personal offence to any gentleman, but he was of opinion that the business of the Admiralty could be as well transacted by five as by seven lords.

Mr. *Robinson* said it was quite new to him that the civil lords were, as it was termed, dumbies. He had the honour of a seat at the admiralty Board, which he had accepted at the urgent request of his right hon. relative then at the head of the board, and he had found himself fully employed. Far from being sinecures, he in his conscience believed the places in question to be most efficient and useful offices.

Sir *J. Yorke* admitted, that the office had been far from a useless one to his right hon. relative; for after his right hon. relative had been cradled in that nursery of sucking statesmen, as it had been called, he had got from thence, by a hop, step and jump, until he found himself seated on the treasury bench as a cabinet minister.

Mr. *R. Ward* had had the honour of sitting at the board of admiralty for four years, and supported the assertion of the right hon. the treasurer of the navy.

Mr. *Creevey* complained of the awkward dilemma to which he and the honourable friends who acted with him were reduced by the gentlemen on the other side. The gallant admiral, who had been eight years a member of the board of admiralty, said that two of the lords were utterly useless. The right hon. gentleman opposite said, upon his honour, that those two additional lords were most useful. After such a declaration so solemnly given, it was almost impossible for him to say that they were not useful. He should however draw his conclusions from contrasting the opinions of the two honourable gentlemen; and certainly, when he considered that at one time the lay lords were described as shipwrights, and at another time as students of Vattal, he was almost inclined to think them totally useless.

His learned friend, in objection to this grant, had not exactly put his objection in the most proper and constitutional shape. For what were they in reality doing? Voting a supply for five members of parliament. He should not be surprised if he saw these gentlemen taking part in the division upon their own salaries, and supported by other members, to whom they had given the like assistance when their salaries were under discussion. He could tell to a farthing what would be saved by the discussion on these estimates. It would be just as much, and no more, than had been saved by the discussion on the army estimates; and that was nothing. Until the House came to some decisive arrangement on this subject, there would be no end to the profligate expenditure of government He did not wish to deprive efficient persons at the heads of departments of seats in that House. He should be sorry to see the secretary at war deprived of his seat in that House; but he did think that some measure should be adopted, by which the minor servants of government would not be admitted into parliament to determine on the extent of their own emoluments. His hon. friend, the member for Shrewsbury, had given notice of a motion on that subject: it appeared to him, however, not to go far enough.

Sir *Isaac Coffin* put it to his gallant friend, whether at any time during the eight years he had been a lord of the admiralty, he had made use of the observations which he had that night uttered regarding the dummies who had seats at the board.

Sir *J. Yorke* replied, that his gallant friend must be well aware that the moment he had said a word of the kind at that board, his stern must have been turned to the admiralty

Mr. *Hume* said, it was evident, that it was only the necessity of attending the House which made so many lords requisite. It was only a few years since the naval lords had their half-pay as well as their salaries. He wished to know whether there was any intention of bringing them back to their former condition? Though the vote for marines had passed, he felt it necessary to remark on some extravagant expense under that head. There were sundry officers in the navy in the higher ranks, who received various sums from 5*l.* a day downwards, amounting in all to 20*l.* a day, or 7,300*l.* a year. These were pure sinecures, and ought to be abolished. The marines were divided into four divisions—Woolwich, Chatham, Portsmouth, and Plymouth. There was a paymaster's establishment for each division; so that there was the enormous charge of 5,000*l.* for paying 8,000 men. There was also the expense of the staff for each division. He suggested that the divisions should be consolidated, or the staff expenses reduced. The next appointment to which he objected was that of the private secretary to the first lord of the admiralty. The gentleman who held this office was also one of the commissioners of the victualling board, and derived from both these offices 1,100*l.* a year. Now, either one or the other must be a sinecure, as one gentleman could not attend to two efficient offices; and, conceiving that of the private secretary to be of that description, he thought the office should be abolished. The paymaster of widows' pensions should also be abolished; for all the duties belonging to that office might be performed by any commissioner of the navy board, or even by any clerk of that board.

Mr. *Croker* said, that he never felt more pain in the course of his life, than during the speech of his gallant friend (Sir J. York), whose confidence and friendship he had long enjoyed. It was to him matter of extreme mortification, now to learn, that on former occasions, when they were favoured with his gallant friend's support, it was not the spontaneous exercise of his own candid opinion of which he had given them the benefit, but that which his love of office had dictated. With reference to the constitution of this board, having had thirteen years actual experience of its labours, he must state his deliberately formed conviction, that the constitution of that board was not only highly useful, but almost absolutely indispensable. As to the comparative value of the lay and naval lords, he would also add, that were he to draw a line of preference between the two classes, he would make it in favour of the civil lords; and that, so far from these being mere puppets moved at the will of another, or not moved at all, they were the most active, useful, and efficient class of persons in the public service. If, therefore, it should unfortunately be decided that two lords should be struck from the board, he had no doubt that those who knew the public business would prefer that the ro-

duction, instead of being two lay commissioners, should be one lay and one naval commissioner. But he must again say that he thought the present constitution of the board ought not to be altered. Even if the alteration were carried into effect, he could not contemplate any saving to the public; for, as it would then become indispensably necessary that the remaining commissioners should devote their whole time to the duties of their office, it would be impossible to appropriate to them smaller salaries than those of the under secretaries of state. With reference to the question of the marines, he should postpone what he meant to say upon the subject, principally because the marines were already voted in the wear and tear estimates; but the particular papers lately moved for by the hon. member should be forthcoming as quick as possible. In allusion to the appointments of the general, lieutenant general, major general, and four colonels of marines, which had been adverted to by the hon. member, they were certainly in one sense sinecures; but he had never spoken to one officer, either military or naval, who thought these seven sinecures, as they had been called, an unreasonable reservation to reward great naval service, and particularly when it was considered what honours and emoluments were appropriated for military services. If the hon. gentleman could show, in any single instance, that any of these offices had been bestowed by favouritism, or in any other way than for the most brilliant public service, then, indeed, he might complain of their continuance as an undue source of patronage. But let any man examine the rolls of British glory, and say whether he would not find foremost in the catalogue of brilliant services the names of those officers who held the situations of generals or colonels in the marines. Let the list be examined. Who was the general of marines? Lord St. Vincent. By whom appointed? Not by private patronage; not by political friends; but by political enemies; for he had no other, except the enemies of his country. Who was the lieutenant general? A name the third which would be found in his family to have graced the naval annals of his country, sir Richard Bickerton. Of the major-general of marines, as he was present, he could not speak: indeed this was the only room in England where the praise of that distinguished officer could not be resounded to his honour. He could not at this moment recollect the names of the naval captains filling colonelcies in the marines; but this he could say, that they were selected, not only for their seniority in point of standing in the service, but also for their achievements. He could assure the House, upon his honour as a gentleman, that, at the councils which preceded the appointment to the colonelcies, he never heard any other questions put than—Who were the captains who had most perilously served their country? Who had been most under the hottest fire? Who had gained the greatest honours, and bore the most valuable medals to record their fame? He challenged any man to produce an instance of a single appointment of this description which had been conferred upon any other grounds than those which he had just enumerated. Lord Nelson, sir R. Keats, sir J. Saumarez, sir T. Duckworth, and others of a list, he thanked God, too long to name, had in succession filled these offices, as a reward for glorious public service. Surely no man could on reflection wish to shear the naval service of this little reservation for its ultimate reward.—As to the half pay enjoyed by admirals who sat at the board, and which the hon. gentleman had described as being a modern innovation, that had been arranged by the friends of the gentlemen opposite; and indeed, if it had not been so arranged, the officers would have still enjoyed it, as of right. Why mark out these particular persons as disentitled to their half pay, when the same income was enjoyed by persons in the excise and customs—when it was regularly received by every captain, and by every lieutenant in the preventive service? With respect to the distribution of the marines, he could assure the hon. gentleman that it was managed as well as the nature of the service admitted, and that no saving could attach to embodying the four divisions into one. An allusion had been made to the emoluments of the private secretary to the first lord of the Admiralty. Now, in looking to that situation, the committee were bound to consider it as one of high and confidential trust, for which the mere salary of 300*l.* could never be considered as an adequate remuneration. It was this consideration which invariably, from the time of lord Howe downwards, induced each successive first lord to confer upon his

private secretary the first suitable vacant office, to make up a proper compensation for his confidential trust. Whether it would be better to alter this plan, and give at once a full and proper salary, he would not say: perhaps it would. With respect to the duties of the paymaster of the marines, they were as essential as those of any other civil officer in the whole range of the navy. The hon. gentleman was perhaps mistaken by the term paymaster: the fact was, the person who filled the office was also inspector, and barrack-master and quarter-master of the marines. Indeed, upon reference to the report of the finance committee, the hon. gentleman would find the necessity of that situation fully recognized and acted upon. But it might be said, that 500*l.* a-year would be enough for the discharge of the duties: he thought certainly not, considering the dignity of the station, and also that the officer had to provide 20,000*l.* security. He was entitled to speak of this paymaster's services, from a knowledge of his duties; for scarcely a day passed, and many times in that day, without his having occasion to communicate with him. If the hon. gentleman was aware of the arduous nature of the duties, he would never think of proposing a reduction in the sum. As to the duties of paymaster of widows' pensions, he might just observe, that those duties had quadrupled within the last eight years. Formerly, the widows were paid once a-year: of late they were paid four times a-year. The hon. gentleman was fond of drawing comparisons with the year 1792. Let him do so on this occasion. In 1792, there were 1,400 widows to be paid, and the pensions amounted to 31,000*l.* In 1820, there were 2,873 widows, and the pensions amounted to 121,000*l.*; making in the comparison more than double the amount of persons, and quadruple in money. He would not deny that this business might be transferred to the Navy Pay-office; but if so, extra payment must be given for the performance of the additional duties; so that, in point of fact, no saving would be effected.

Sir *J. Yorke* expressed great esteem for his hon. friend, but observed, that he did not think their friendship such a rope of sand as could be broken by his conscientious declaration, that the business of the Board of Admiralty might be as well done by five as by seven lords.

After some further conversation, the committee divided: For the Resolution, 115. For the Amendment 77.

List of the Minority.

Bastard, E. P.	Lushington, S.
Bankes, H.	Lennard, T. B.
Buxton, T. F.	Milbank, R.
Beaumont, T. W.	Martin, John
Belgrave, viscount	Monck, J. B
Bright, Henry	Moore, Peter
Bennet, hon. H. G.	Moore, Abraham
Birch, Josh.	Macdonald, J.
Bury, viscount	Maxwell, John
Barnard, viscount	Marjoribanks, S.
Concannon, Lucius	Maberly, J.
Crompton, S.	Maberly, W. L.
Calcraft, J.	Nugent, lord
Creevy, Thos.	O'Callaghan, J.
Colburne, N. R.	Phillips, G. jun.
Calthorpe, hon. F.	Palmer, C. F.
Corbet, Panton	Parnell, sir H.
Chaloner, Robert	Russell, lord W.
Dundas, hon. T.	Russell, lord J.
Denman, Thomas	Rickford, W.
Duncannon, visct.	Rice, T. S.
Davies, T. H.	Ricardo, D.
Evans, William	Smith, W.
Fitzroy, lord C.	Smith, John
Forbes, C.	Smith, Abel
Fergusson, sir R. C.	Sebright, sir J.
Griffiths, J. W.	Tierney, rt. hon. G.
Graham, Sandford	Tremayne, J H.
Gordon, R.	Tulk, C. A.
Grattan, J.	Warre, J. A.
Hutchinson, hon. C.	Wyvill, M.
Haldimand, W.	Whitbread, S. C.
Hobhouse, J. C.	Williams, W.
Hornby, Ed.	Wilson, Thomas
Heathcote, G. J.	Wilson, sir R.
Harbord, hon. Ed.	Wharton, John
Hume, J.	Whitmore, W. W.
Hotham, lord	Wood, M.
Keck, G. A. L.	Yorke, sir J.
Langston, J. H.	TELLER.
Lemon, sir W.	Bernal, R.

A second division took place on a proposition for a reduction of 1,000*l.* from the said grant: For the original Resolution, 118: For the Amendment, 55. On the resolution, "That 38,924*l.* 2*s.* 6*d.* be granted, for defraying the Salaries, and Contingent Expenses of the Navy Pay Office,"

Mr. *Hume* objected to this resolution, chiefly on the ground that the charges for this office were as great now that it disposed of but six millions of money, as when it had to distribute 22 millions. In 1792, the expense was but 12,000*l.*; in 1813, it had risen to 44,930*l.* The Finance Committee of 1817 had expressed a confident hope that in consequence of the peace, a reduction would take place

in this office as well as others, which had been necessarily augmented during the war. Yet in 1818, the expense of this office was 38,174*l.*; in 1819, 37,839*l.*; in 1820, 37,313*l.*; and in the present year 38,924*l.* was required, which was but 6,000*l.* less than the high establishment of 1813. The office had nothing to do with money. It did not pay the men, who only presented them the orders which they received, and which entitled them to another order at the Pay-office, for which they exchanged their own, and took the other to the Bank; so that, in fact, the Pay-office was only an office to put those matters on record; and there was no banker that would not keep the six millions at an expense less than 5,000*l.* He repeated, that the expense ought now, when six millions was the entire sum, to be much less than when the amount was 22 millions. There was a branch of the establishment which he wished to remark upon. It was the allotment branch, which was appointed by act of parliament, for the purpose of allowing seamen to pay part of their wages to their families and relatives. At a former period, when there were 120,000 seamen, the expense of this branch ought to have been much greater than at present, when there were but 14,000: but in fact the charge, which was 3,820*l.*, was still kept up. He would therefore move as an amendment, that the sum of 38,924*l.* be reduced to 28,924*l.*

Mr. *Robinson* assured the hon. member, that no man could be more anxious than he was to reduce the expenses of this office, and that he never felt more mortified in his life than when he found that, in consequence of the operation of an order in council, the estimate for the present year was greater than for the last. That order required revision; but he wished to square the proposed reduction by some more general system, and that could not be done without consideration. As to the nature of the office of treasurer of the navy, the hon. member had quoted the opinion of the committee of finance on that point; but he (Mr. R.) could not conceive how the committee could have so described the duties of the office. Many of the duties of the treasurer of the navy were entirely different from those of a banker. The hon. member had observed, that the treasurer of the navy had nothing to do with the payment of money, farther than giving one order for another. This, however, was not the case. If a person went to a banker with a draft, bearing his signature, he would not ask the person how he came by it, but would pay it at once. Now, the treasurer of the navy had to inquire by what right the parties who demanded payment made that demand. If he was not satisfied that they were fairly entitled to make the application, he refused to attend to it; and actions at law had been brought against that officer for refusing to pay, in cases where the claim appeared to be unjust. Here, then, he exercised a discretion which a banker did not. There were no less than twenty-one acts of parliament by which the duties of the office were regulated. He believed they contained 400 clauses, which prescribed and pointed out the particular functions of the treasurer of the navy. He begged to call the attention of the House to two offices connected with this department—the Inspector's branch, and the Prize branch. The first was to superintend documents and prevent frauds, connected with seamen's wills. The hon. member would say, "What use is there for such an establishment, where you have only 14,000 seamen?" If he, however, looked to what led to the establishment of that office, he would find that it was very important. A line of battle ship was lost, and the whole crew perished. A woman who heard of the circumstance was extremely successful in personating the widow, the daughter, or the sister of some of those deceased seamen. The hon. member might think it very extraordinary if he said, that this woman represented 20 or 30 of the female relations of the crew who were thus lost; but the fact was, that she pretended to be the widow, the sister, or the child, of 200 different persons, and by forging wills and other documents, contrived to receive the pay and prize-money due to every one of these individuals. This gross and wicked proceeding led to the establishment of the Inspector's branch, and was of great importance to the well-being of the navy. Instead of a system of fraud and forgery being regularly carried on, although there had within no long period been 20,000 claims, but four instances of fraud had occurred. With respect to the prize branch, the duties attached to it were not similar to those of a banking-house. It was necessary that those duties should be performed by some specific department; and fifteen years experience had shown that

they could not be placed in a better department than that of the treasurer of the navy. The office was instituted to control the acts of the sub-prize agents. Our seamen had long been subjected to the grossest frauds; and if some office of this kind had not been established, they would in many instances, have been deprived of the advantages which they ought to enjoy as the reward of their glorious career. Since he had become treasurer of the navy, whenever a vacancy occurred, he had it filled up at the least possible expense to the public. If the hon. member thought that there was nothing to do in this branch, he was very much deceived. In the last quarter, 1,400 claims for prize money had come into that office. Some claims were undoubtedly very small, even for 2*s*. 6*d*. But it required as much correspondence and trouble to trace fraud in one of those small claims, as if it were for 1,000*l*. The allotment branch was not confined merely to seamen's wages, but extended to the full and half-pay of officers. Full pay was now allowed quarterly instead of half yearly; remittances were made to officers, and they were allowed to draw bills on the Navy Pay-office. These different duties were of importance to the public; and he was sure if the hon. member visited the office, and saw all that was to be done, he would find (although reductions might be made, and he readily admitted the fact) that the business was of a very different nature from that which he imagined it to be.

Mr. *Hume* said, that after the candid statement of the right hon. gentleman, he would not press his amendment to a division, though he did not think he had fully answered his objections.

The resolution was agreed to. The Chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Monday, May 7.

STEAM ENGINES BILL.] Mr. M. A. Taylor moved the order of the day for going into a Committee on this bill.

Mr. *Lyttleton* recommended his hon. friend to postpone this measure for at least another year. If the plan of consuming the smoke of Steam Engines was a good one, it would find its way without any legislative enactment; if a bad one it ought not to be forced upon the country. Were the measure confined to the metropolis, he should not object to it; but there were many parts of the country in which it would be extremely injurious. In the south of Staffordshire there were above 2,000 steam engines; and in the neighbouring counties at least 5,000 more. Parliament ought to hesitate before they imposed a compulsory expense and inconvenience on so many persons. If his hon. friend should persist in the measure, he would propose that it should not extend to steam engines employed in smelting ores or minerals.

Mr. *J. Smith* was surprised at the objections which had been made by his hon. friend. He seemed to forget the injury which the poorer classes suffered from the existence of the steam engines in their present state. He could name a class of poor persons in London who so suffered: he meant the humble class who got their livelihood by washing. If a steam engine was established in the neighbourhood of the residence of these poor people, their occupation was destroyed altogether.

Mr. *C. Calvert* said, he would support the bill. He himself had a large steam-engine, and he used the apparatus for consuming smoke, which had succeeded as well as any machinery could be expected to do. By the attention of one man, a large column of smoke could be consumed in a minute. In his way to the House a printed paper on the subject of the bill had been put into his hands, which mentioned that the apparatus used by Messrs. Barclay and Perkins had completely failed. Now, this was the reverse of the fact. He then read a letter from Mr. Perkins, which stated that the apparatus had entirely succeeded.

Mr. *D. Gilbert*, although he thought the plan might be adopted with advantage in the metropolis, and in large towns, was averse to its compulsory extension to the manufacturing districts.

Mr. *Buxton* regretted that he was under the necessity of opposing the bill. The plan had been tried in many instances and had completely failed. Nothing could be more fallacious than such experiments. It had succeeded in Messrs. Barclay's brewery, but with a very great additional consumption of fuel. But with an engine constituted as his (Mr. Buxton's) was, it was quite impossible to carry it into effect. He hoped his hon. friend would postpone the bill for a year or two. If not, he would move as an amendment, that the bill be committed upon this day six months.

Colonel *Wood* said, that representing as he did a county where manufactures were carried on by steam-engines, he felt it his duty to oppose the proceeding any further with the bill in its present shape.

Mr. *Maberly* trusted the hon. mover would postpone the consideration of the bill, as in its present shape it went to compel the trying of experiments. The courts of law would have to try the merit of every experiment suggested by every projector. He thought the hon. mover was bound to show that the bill could be carried into effect.

Mr. *Curwen* supported the bill. He was convinced, from the experiments he had made, that the proposed alteration would cause an ultimate saving.

Mr. *M. A. Taylor* said, that if the House considered the present state of the law, no impartial man would hesitate in agreeing to the bill. Every steam-engine might now be prosecuted as a nuisance, if it affected the health, comfort or property of those in whose neighbourhood it was situated. In Cornwall and other places, steam engines were not prosecuted, because those who suffered from them had not chosen to prosecute, and because they were generally under the protection of the proprietors of the engines. But the engines had been introduced into villages to the great detriment of property, and the sufferers had not the ability to prosecute. All that the bill proposed was, to enable the court to reimburse the prosecutor, where the defendant was refractory, or to redress such nuisance as really existed where the prosecutor was unreasonable. It would put it in the power of the court to do what at present was done by a side wind. As to restricting it to the metropolis, he did not see why gentlemen in villages should not be relieved as well as the inhabitants of the metropolis. Why should a clergyman who kept a school in a village be smoked out. Why should Manchester, Liverpool, Leeds, be annoyed by nuisances for the sake of Cornish miners. If hon. members would read the reports of the two committees who had considered the subject, they would be satisfied. He could produce the testimonials of persons who had found the plan successful at little expense. The hon. gentleman (Mr. Buxton) must have employed a very clumsy engineer.

General *Gascoyne* read a letter from the proprietors of a large establishment at Liverpool, stating that the new plan increased not only the smoke, but the quantity of requisite fuel.

Mr. *Philips* hoped the bill would be postponed until another year. The plan required more care than could be usually applied. This was thought a new invention; but Mr. Watt had obtained a patent in 1785 for the consumption of smoke. The public were much indebted to the hon. mover for his exertions, but he felt it his duty to support the amendment.

Mr. *Marryat* said, that his attention had been called to the effect of the plan in the metropolis and other places, and he had found it successful. No man had a right to annoy or poison his neighbours.

Mr. Alderman *Wood* was of opinion, that Mr. Parkes's plan of consuming smoke was highly beneficial, but he hoped that the clauses of the bill would not extend to Cornwall, as it would there produce the most injurious effects.

The House divided: For the original motion, 83. For the Amendment, 29. The House accordingly went into the committee.

CONTINENTAL AFFAIRS—MARCH OF THE RUSSIAN ARMY.] The Marquis of *Londonderry* said, that in rising to move the order of the day, for going into a committee of supply, he wished to advert to a question which had been put to him two days ago, and to which he had not at that time been able to give any other than an argumentative reply. The question to which he alluded was this—"Were the Russian troops continuing their march towards the south of Europe or not?" He had then stated, in answer to the question, that those troops had been put in march under special circumstances, and that, though he was not able to say that their march had been suspended, he felt himself entitled to observe, that the change of circumstances in Piedmont, where events had rendered it necessary to call in the assistance of an Austrian army, might produce a change in the movements of those troops. He could now state to the House from official information, that the Russian army would not pass its own boundaries. In giving this information, he felt it to be due, not only to the House and to the country, but to the two great powers which had been most improperly, most illiberally, and most unjustly treated in that House—for it was sporting with them most unfairly

when hon. gentlemen got up in their places, without any knowledge of the facts on which they were speaking, to charge those illustrious individuals in whose hands the destinies of Europe were placed, with a design of overrunning it, for purposes which were no less tyrannical in themselves than injurious to the interests of the world; he felt it due, he repeated, to those great powers to state, that they had never had any such object in contemplation. He had on a former occasion, in the face of the House, entered his protest against the imputation that they were actuated by a spirit of aggrandizement, because his experience of their characters convinced him that the charge was wholly unfounded. He would take upon himself to affirm, that no information had come to his knowledge which could lead him to suppose that they were actuated by any sinister motives or selfish purposes in the policy which they had pursued towards Naples. This declaration he had made on a former evening, and what he had since learned had not caused him to alter his opinion. He had formerly stated his opinion, that that army would be arrested on its march. He could now state the circumstances under which it had been so arrested. The fact was, that in the present state of the king of Sardinia's dominions, a considerable part of his army having been disbanded in consequence of its late insurrectionary movement, it was only natural for that sovereign to apply to the allied powers for troops to occupy his dominions. That application had been made in the first instance to the emperor of Austria, through the medium of count Bubna. The emperor of Austria replied, that however anxious he might be to attend to that application, he was still more anxious to avoid all grounds for a charge of being desirous to aggrandize himself in Italy, at the expense of his neighbours, contrary to the faith of treaties which he had most religiously observed. He said, however, that he would apply to the emperor of Russia to allow a limited corps of his army, amounting to 25,000 or 30,000 men—to come down into the south of Europe, to execute the purposes which he had himself been requested to execute. The emperor of Russia had said, in the same spirit with the emperor of Austria, that he was also open to the same charge of aggrandizement, and he earnestly begged that every step might be taken to prevent any idea of such a nature being attached to any movement of his troops. This statement would completely repel one practical notion which he had endeavoured to negative by inference—namely, that the Russian army was put in motion with a view to ulterior motions as respected Spain. The fact was, that such a charge against the allied powers was as visionary a charge as any that had ever been brought forward. He trusted that the information which he had given would be satisfactory both to the House and to the country.

Lord *Milton* observed, that the House and the country would feel satisfaction at the explanation which the noble lord had given upon a subject so important. He could not, however, think that hon. gentlemen were, in consequence of it, to be restrained from expressing their opinions upon the conduct of the continental powers. Allowing that both Russia and Austria were free from any spirit of territorial aggrandizement, still it was evident that they were actuated by a spirit of aggrandizement scarcely less injurious—he meant that of making the executive government too strong for the liberties of the people. He did not know whether the fact of one sovereign applying to another sovereign for a body of troops to keep down the discontents of his own people, was not a precedent as dangerous to the liberties of nations, as the fact of the Stuarts taking money from Louis 14th, to put down the rising spirit of England, would, if long continued, have been to the liberties of England. When he recollected the conduct of the allied sovereigns in general since the conclusion of the war, and especially when he recollected the conduct of the king of Prussia who had made more promises to give a constitution to his subjects than any other monarch, and who had nevertheless broken them all, he thought it rather too much for any member to say, that they ought not to look with an eye of jealousy at the designs entertained by these sovereigns.

Mr. *Warre* thanked God that there was yet one corner of Europe in which the conduct of the allied sovereigns could be freely discussed. He implored the House not to look upon the stoppage of the Russian army in any other light than as an abstinence from crime and violence.

The Marquis of *Londonderry* shortly stated the principles on which he had written the circular, with regard to the Neapolitan government, and distinguished

the case of Naples from that of Piedmont. Against the insurgents in the latter state, he maintained that Austria had an undoubted right to march, as they had gone so far as to declare war against Austria. With regard to the desire of aggrandizement, with which the emperor of Russia had been charged on a former evening, he would say this, that though he would not make himself answerable for the conduct of any individual, he believed, from his own knowledge of the character of the emperor of Russia, that that illustrious personage was too deeply impressed with a true sense of his own glory and his real policy, to seek for any further aggrandizement either on the side of Turkey or of Spain.

Mr. *Denman* was surprised that the noble marquis should have charged hon. gentlemen with injustice and illiberality, when those gentlemen were absent who had taken part in the debate of Friday last. He himself thought that those charges were perfectly untenable. The House had seen the conduct of the allied powers towards Naples; they had seen the emperor of Russia denouncing the revolution in Spain as an insurrection, at the very moment that it was completed; and they had seen his forces moving in the direction of Spain at the very moment that the forces of the emperor of Austria were moving in the direction of Naples. Under such circumstances, suspicion would have been impossible, even if they had known nothing of the partition of Saxony, the transfer of Norway, and the abandonment of Genoa. If the noble marquis had committed this country by approving of such enormous atrocities, it became doubly incumbent upon members of that House to denounce the continuance of so abominable a system.

The Marquis of *Londonderry* said, it was not his fault if the hon. members in question were not in their places: probably they had been kept away by the smoke of the bill of the hon. member opposite.

NAVY ESTIMATES.] On the motion, that the House should resolve itself into a committee of supply to consider further of the Navy Estimates,

Mr. *Hume* rose to put a question to the hon. baronet, relative to the works in the dock-yards, particularly Sheerness. He confessed that he entertained considerable doubts both as to the necessity and the expediency of carrying them on. He wished to know whether the hon. baronet would have any objection to postpone the vote regarding them until the correspondence between the navy and the ordnance board on the subject was laid before the House, or until a committee of the House had examined into it. After reading an extract from the 3rd report of the finance committee, relative to the public works, the hon. member proceeded to detail the sums of money which had been expended on those at Sheerness. The estimates for completing the whole of them in 1814 was 824,992*l.* In 1818 it was stated that 433,800*l.* was wanting to complete them, though large sums had annually been paid for that purpose. In the estimates of 1821, though 1,147,000*l.* had been voted for the works at Sheerness, it was stated that a further sum of 955,421*l.* was wanted to finish these improvements. He asked whether it was proper, in the present state of the country, to proceed to a committee of the whole House in order to vote these sums and much larger, without previous information. He wished to know, therefore, whether there was any objection to postpone the vote until a select committee had inquired into the subject.

Sir *G. Warrender* said, that the sum now required was not for the same works as were provided for last year, although 30,000*l.* was to be devoted to the repair of the old yard at Sheerness. He had every reason to believe that the new works, that had for five years been proceeding, would be completed by the vote he was about to propose.

Mr. *Hume* said, that before the House went into the committee of supply, he should propose a resolution. The House had before it three different estimates for completing and repairing naval works without any information regarding their necessity. In times like these it was fit to get at that information. The complaint against him and his hon. friends had hitherto been, that, excepting as to the army, they had only sought to save trifling sums; but now they were called upon to consider estimates of many millions: independently of the sums already voted by parliament, no less than 1,697,545*l.* was required to complete the public works already begun. There were besides among them a great number of uncertain amounts for undertakings at Kingston in Canada, in Jamaica, and at Trincomalee, which ought to be reduced to something like certainty. It ought not

to be forgotten that 3,568 501*l.* had been already voted for these works; so that when finished they would cost the country 5,266,016*l.* He begged to know, then, if it was not high time to stop in this lavish and unaccounted for expenditure, until a committee, not formed of men in office, but fairly chosen from both sides, had reported that it was necessary that it should be continued. Although the works at Sheerness had been for some time commenced, he had great doubt as to the policy and propriety of completing them; for the introduction of steam vessels had enabled government to tow the largest ships of war down to Chatham. He had the authority of men of experience and science for this opinion. The hon. gentleman then moved the following resolution:—"That the sum of 1,147,000*l.* has been voted for the improvements in the Dock-yard at Sheerness, in the last 10 years, from 1811 to 1820, both inclusive:—That the amount of the estimates for completing these works was 824,992*l.* in 1814, and 133,800*l.* in 1818; and although the large sum of 1,147,000*l.* has been expended, a further sum of 955,421*l.* is stated as necessary to complete the improvements in that yard, and which will make the total charge for one dock yard 2,102,421*l*:—That, therefore, under such varying and uncertain estimates, it is expedient that a committee of this House should be appointed to inquire into the past expenditure and future estimates of all works in Dock-yards."

Sir *G. Cockburn* said, that if the works at Sheerness were not proceeded with, all that had been done would be lost by the encroachment of the sea. After the defence was completed, it was resolved not to continue the works until the whole had been proved. He was certainly adverse to delay.

Sir *J. Yorke* would like to hear the names of some of the scientific and experienced persons who had informed the hon. member that the works at Sheerness were of no use since the introduction of steam boats. At Chatham the water was so shoal that ships of war sometimes grounded at their moorings; whereas at Sheerness there was a depth of 52 feet at low water. Since the project regarding Northfleet had been abandoned, government had wisely thought fit to restore and improve Sheerness.

Sir *I. Coffin* was sure that if the hon. member inspected the works at Sheerness, he would see the necessity of completing them. The question was not whether Sheerness was or was not the best port, but whether the sums already expended should be rendered useless by delay.

Mr. *Bennet* observed, that his hon. friend did not ask the House to stop the supplies: he merely said, we have been so often deceived, that we ought not to vote more money without previous information. If the former plan had failed, it was by no means improbable that the plan now proposed would also fail. If the House went honestly to work, the truth would be extracted in a committee. Several sums were asked without any estimate at all. No proposition was more fair than that of his hon. friend. He merely asked them to look before they leaped.

Mr. *Hume* re-stated that his object was inquiry, and not to obstruct any important public works. He was ready to vote 50,000*l.* on account, during the two or three weeks that the inquiry might occupy.

The House divided: For going into a Committee, 82; For Mr. Hume's Amendment, 27.

List of the Minority.

Allan, J.	Jervoise, G.
Bernal, R.	Langston, J.
Benyon, B.	Monck, S.
Bury, lord	Milton, lord
Bright, H.	Maxwell, W.
Creevey, T.	Martin, J.
Crespigny, sir W.	Newport, sir J.
Crompton, J.	Ricardo, D.
Davies, col.	Warre, J.
Denman, T.	Wood, alderman
Grattan, H.	Wyvil, W.
Graham, sir C.	Williams, W.
Griffiths, R.	TELLERS.
Gordon, R.	Bennet, hon. H. G.
Harbord, hon. C.	Hume, J.
Hurst, R.	

The House then resolved itself into a committee of supply. On the resolution, "That 129,395*l.* 17*s.* 4*d.* be granted for Wages to the Officers, Ship-keepers, and Men, of Vessels in ordinary,"

Mr. *Hume* said, that a large expenditure was of late years annually incurred for royal yachts. He was aware that they ought to be fitted up in a superior manner for the reception of royalty; but still he was at a loss to see what necessity there was for keeping up annually some of the officers; for instance, there was a sum of 1,300*l.* a year for surgeons. He understood that a surgeon was regularly kept

up for each yacht, when it was well known that, for the few weeks the yachts were at sea, it would be easy to get a surgeon from some of the dépôts. A saving of 1,000*l.* a year might in this manner alone be saved.

Sir *G. Cockburn* said, that when the sovereign of Great Britain went to sea, it was not to be expected that he would abandon that state which was inseparable from his dignity. He could, however, assure the committee, that no unsuitable expense was occurred in fitting up the yachts. It was true that in the establishment of surgeons, the yachts were placed on the same footing as sea-going ships; and he thought there ought to be no cavil upon that, when it was considered that the appointment was reserved for old surgeons who deserved well of their country. The difference, too, between their half and full pay was so trifling, as to render the saving hardly worth consideration, when the objects of it were kept in view.

Mr. *Hume* said, that he had already disclaimed any wish to limit the proper expenditure for fitting up the yachts in a suitable manner for the reception of his majesty, but he certainly objected to this annual full pay for a few weeks' service.

On the resolution, "That 970,400*l.* be granted for Half-pay to Officers,"

Mr. *Bennet* called the attention of the committee to the situation of two unfortunate ladies, the wives of insane officers, who were plunged into deep distress, in consequence of the regulations adopted by the Board of Admiralty. They had for many years enjoyed the half-pay of their husbands, which had, however, been suddenly reduced, and they were thus placed in a situation of comparative penury. He could see no reason why the family of an individual, who had been deprived of his senses while serving his country, should be considered less deserving of support than the relatives of the man who had lost a limb in her defence.

Sir *G. Cockburn* said, that persons suffering under the unhappy malady, were confined in a lunatic establishment supported by government at considerable expense. If lunatic officers had no family, government received their pay. If they had a family, then their friends might keep them altogether, and receive their full-pay, or receive half-pay, leaving them at the Lunatic Asylum. The two ladies in question preferred leaving their husbands at the asylum. The government could, consistently with the rule that had been long acted on, allow them to receive only their half-pay.

Mr. *F. Buxton* said, he was acquainted with instances in which the regulation adverted to had produced the utmost misery. He did not think the hon. member had exactly met the point which his hon. friend had pressed upon the consideration of the committee. The case his hon. friend put was this:—"If an officer receives a wound in battle, no deduction is made from his half-pay; why then should a deduction be made in the case of a man who, in the course of service, is visited by insanity?" In fact, the wound received by the officers to whom allusion had been made—the mental wound—one of them having been on active service at the time, he was seized by the malady with which he was afflicted—was the most severe of all human misfortunes. He had abstained from introducing the subject that night, because he meant to move for a committee in order to have it thoroughly investigated.

Mr. *Croker* said, that the half-pay could only have been received by these ladies for so long a period, through some irregularity. There was this legal difficulty, which was entitled to consideration, namely, that if these officers were to recover, they might maintain an action at law against the treasurer of the navy, for the whole of the half-pay received without their authority, during the time of their insanity. The board of admiralty had, however, considered such insane officers to be dead in law, and had exercised a charitable, though not perhaps a strictly legal discretion, in granting a moiety of the half-pay to the unauthorized representatives of officers in that situation. The moral effect of conceding to the principle contended for by the hon. gentleman was also to be considered; for it would in fact be giving a premium to the relatives of persons in that unhappy situation to get rid of them.

Mr. *Bennet* said, the question he had asked was, whether persons who, like the relatives of the unfortunate ladies who had written him a statement of their case, had lost their reason in the service of their country, ought not to be placed on the footing of officers who had lost their limbs. The hon. gentleman had answered him by a legal quibble, as to whether a success-

ful action might not be maintained against the treasurer of the navy, and such stuff as that. Now, he would not look to legal quibbles, but would ask, whether or not it was fitting that these unfortunate ladies should be reduced to a state of pauperism? Persons in the situation of these ladies were not in circumstances to afford the expense of sending their relatives to places of private confinement; and the consequence would be, that they must send them to the parish workhouse, where the House was aware, from the evidence given before their own committee, of the cruel treatment which lunatics were in the habit of receiving.

Mr. *Croker* maintained, that he had only stated the general rule upon which the conduct of the board of admiralty was founded. If officers became insane in consequence of wounds received in battle, it was evident that they were as much entitled to pensions as if they had lost a limb in the service. It was but a few days ago, that, in consequence of an application made on behalf of an officer who had become insane and paralytic, he (Mr. C.) had examined the log-books for thirty years back, to see whether he could not find some wound which would justify the grant of a pension. He felt it necessary to state, in his own vindication, that it was mainly owing to the exertions of so humble an individual as himself, that an asylum for insane officers had been established. He had himself laid before the first lord the information which had been collected on this subject before a committee of that House seven or eight years ago, and it was in consequence of his personal exertions that this asylum was established. He stated this for the purpose of showing the looseness with which the hon. gentleman was in the habit of shooting off his arrows.

Mr. *Hume* said, he had reason to know that these unfortunate ladies, who had been in the receipt of their pension for 18 years, had been plunged into the deepest distress in consequence of this small pittance of 60*l.* having been stopped. If ever there was a case in which the government was called upon to exercise a humane discretion, though in breach of an existing regulation, it was the present.

On the resolution, "That 1,094,589*l.* be granted for the building, re-building, and repairs of Ships of War, in his Majesty's and the Merchants' Yards, over and above what is proposed to be done upon the heads of Wear and Tear and Ordinary, for the year 1821,"

Sir *J. Yorke* thought this the most surprising proposition of any, considering that the wages of the artificers had been reduced one-fifth, and that the consumption of timber must necessarily be much diminished.

Sir *T. B. Martin* observed, that as the Admiralty had contracted for a supply of timber up to the next year, no reduction could be made in the estimate until that period had expired.

Mr. *Hume* referred to the report of a committee, to show that the manufacture of ships had been carried much further than the circumstances required, and maintained that we were now building more ships than we should be able to man, if we were to go to war to-morrow. Under these circumstances, he would move that the estimate be reduced to 794,580*l.*

Sir *G. Cockburn* admitted, that if all our ships were now in good order we should want no more; but that was not the case; the ships now building would last almost for ever; for by lying a long while in ordinary, they would acquire a firmness which nothing else would give them.

Sir *J. Yorke* thought that half a million might be saved, and doubted much the policy of continuing to build ships at Bombay.

Mr. *Warre* thought that though great sacrifices ought to be made to preserve the ascendancy of the British navy, its security would not be impaired by attending to the diminished scale of expense which was now proposed.

Mr. *Hume* withdrew his amendment, on the ground that if carried it would cause the violation of certain contracts, which government had entered into; but he did so only with the understanding, that the reduction proposed should take place after the fulfilment of the contracts.

On the resolution, "That 424,648*l.* be granted, for defraying the expenses of improvement in the dock yards,"

Mr. *Hume* objected to so large a grant for this purpose, without inquiry, and stated that this was only to be part payment of a sum of two millions, 1,600,000*l.* of which was still to be demanded for the naval works. He thought a committee ought to be appointed to examine these charges; and concluded by moving, as an amendment, that the sum proposed be reduced to 212,324*l.*, or one-half.

Lord *Milton* said, he was disposed to vote against the whole sum, if government refused inquiry.

Mr. *Warre* objected to the expense of the new tunnel at Chatham as unnecessary and excessively expensive.

Sir *G. Warrender* explained, that the tunnel was intended to drain the whole dock-yard; but the hon. gentleman seemed to confound it with the saw-mills, which was a work already finished.

After a short conversation, the committee divided: For the original vote, 107; For the Amendment, 30.

List of the Minority.

Bernal, R.	Martin, J.
Bennet, hon. G.	Milbank, R.
Benyon, B.	Roberts, W. A.
Bury, lord	Roberts, col.
Brougham, H.	Rice, S.
Calvert, C.	Ricardo, D.
Carter, T.	Rickford, W.
Crompton, S.	Russell, lord J.
Denman, T.	Smith, J.
Denison, J.	Smith, hon. J.
Gordon, R.	Whitbread, S.
Hume, J.	Wyvil, M.
Hobhouse, J. C.	Wilson, Thos.
Harbord, hon. H.	TELLER.
Monk, J. B.	Milton, lord
Maxwell, J.	

The chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Tuesday, May 8.

Breach of Privilege—Complaint against "The John Bull."] Mr. *Bennet* said, that during the number of years he had had the honour of sitting in that House, he never rose to offer any animadversion, or to support any censure, upon the public press but with extreme pain and reluctance. But he should think that he violated his duty to himself, and his duty as a member of parliament, if he did not bring under the consideration of the House a statement in which the honour of the House itself was too deeply implicated, and its privileges too openly compromised, to allow him to hesitate in the discharge of such a task. This statement had appeared in a Sunday paper, called the "John Bull," and trespassed upon one of those privileges which every member had an undoubted title to exercise. The House would probably recollect, that on Friday evening last, in consequence of a question having been put to him by the member for Ross-shire (Mr. Mackenzie), he took occasion to disclaim altogether the truth and accuracy of a report of a conversation which was represented in some of the daily papers to have taken place in that House. That report was not known to him till some days after it had appeared. The inaccuracy he had no doubt was of a perfectly venial character, although the words therein imputed to him by no means conveyed the sense of what he had said on the occasion. It was obvious, therefore, that on finding this to be the case, he was called upon in common courtesy, for an explanation. Under these circumstances, he could not help making an apology to the hon. gentleman opposite. In consequence, as he supposed, partly from the low tone of voice in which he spoke, and partly from the inattention which was frequently manifested to conversations which involved matter of little public interest, although, perhaps, of much private importance, there was no report of this speech in apology in the public newspapers; but the hon. member for Ross-shire expressed himself at the time perfectly satisfied with what had fallen from him. In the Courier of Saturday there was an advertisement of it, which he would read to the House. That advertisement, though not verbally correct, was correct in substance: he should make no remark upon it, as it might have been inserted without the knowledge of any of the parties concerned. It was contained in the article which he should now read from the "John Bull," of Sunday, May 6, 1821.—

"The Lord President and Mr. Henry Bennet.—We have been requested to republish the following paragraph, which was inserted in the Courier of last night: —'The following reply made by Mr. Bennet, in the House of Commons last night, was not distinctly heard in the gallery; and, in consequence, is very imperfectly reported in the morning papers. It was given by the hon. member, on the observation of Mr. Mackenzie, that the public press, in reporting the discussion on the army estimates, which took place on a former evening, had erroneously attributed to Mr. Bennet a serious reflection on the conduct of the lord president of the Court of Session. Mr. Bennet expressed himself much obliged to the hon. member in affording him an opportunity of refuting what he had been misrepresented in the newspapers to have said in

the debate to which the hon. member alluded. Mr. Bennet denied that he had on that occasion cast any reflection on the conduct of the lord president of the Court of Session in Scotland, or of those who had acted with him in the matter that was under discussion. He regretted that any thing which passed should have occasioned any unpleasant feeling to the lord president and his friends. Had any thing appeared to him in the conduct of the learned judge which called for censure, he would have brought it forward by the fair and manly course of making a regular motion on the subject.'"

This was the paragraph or advertisement which was copied from the Courier, and on this the writer in the "John Bull," made the following comments, which contained the matter on which he felt it necessary to bring the subject before the House. "Now, the truth of this is, that the lord president has a son; a gentleman of high honour and courage, who no sooner heard of Mr. Henry Grey Bennet's speech, in which he reflected upon his father, than he put himself into the Edinburgh mail, and started forthwith for London, where having arrived, he sent Mr. Henry Grey Bennet a message. Mr. Henry Grey Bennet referred Mr. Mackenzie to that general vouchee for the whole party, Sir Ronald Fergusson; and the result of the communication was (as usual) an apology, which was made, according to agreement, on Friday night, in the House of Commons, by Mr. H. G. Bennet; but in so low a tone of voice, that had it not been for the kindness of the Courier, it might not have been so generally understood, and perfectly appreciated, as we trust it is, at present."

Now, the objections which he had to take to this paragraph was, that it charged a member of that House with having, in the first instance, told an untruth; but it accused him also, with having basely and in a cowardly manner broken his faith and compromised his honour. He did not know that it was necessary for him to use many words in disclaiming a libel of this scandalous description; but he believed that it was impossible to sum up, in a few words, any thing that could be more offensive to the feelings of any individual member; for he had no hesitation in declaring, that of an untruth, at once so disgracefully uttered, and so meanly retracted, he never could be guilty. He did not wish to wage war against this paper, or to injure its printer, but his object in the motion which he should feel it his duty to make on the subject, would be, if possible, to know the author of the article in question. As to the paper itself, he did not wish to say any thing; its character was well known. As to the comments of the press generally, he could assure the House that it never was his wish to withdraw himself from them. He did not object to the comments of the daily press, nor even to its licentiousness, though he had suffered from it. Indeed, he should be sorry to shelter himself against any attack which, in the way of opinion, could be made upon him. If there was any thing which could more than another keep up the high honour of public men in this country, and raise the standard of that honour still higher, it was, that wherever the English language was read, their follies, their errors, and their crimes were held up by the press to public animadversion. But every thing good was liable to abuse, and there could be no greater abuse of the liberty of the press, than, as in this instance, to invent statements, which had no foundation in fact, with the malignant design of representing a member of parliament in the exercise of his duty, as mean and base and cowardly enough, to degrade his situation to purposes of detraction, and then shrink from the consequences by compromising his honour. He would now move that the said paper be delivered in, and the paragraph complained of read.—The paragraph was accordingly read by the clerk; after which, the hon. gentleman moved, "That the said paragraph is a false and scandalous Libel, and a breach of the Privileges of this House."

Mr. *Mackenzie* said, that having been personally alluded to by the hon. member, he felt it due to his own feelings, and but justice to the character of the hon. member to declare, that the comments in the paper which he had read, upon the article in the *Courier*, were false and malicious. The fact was, that no apology whatever had been made; no apology could have been made; none had been applied for. The real case was, that certain words had appeared in a report in one of the newspapers, which were calculated to hurt the feelings of a near relation of his, the president of the court of session in Scotland; and certainly, if those

words were true, they were of a nature to wound the feelings of the party in question; but the very moment that the hon. member had heard of the existence of the words in the newspaper, he, in a manner the most handsome and honourable to himself, explained them. As to the paragraph which appeared in the Courier, it was not exactly correct in words, but it was substantively so. At the same time, he felt it his duty to declare, that it was not sent by any of the parties to the transaction. He could declare further, that the publication of the account gave great pain to all the parties, lest it might be thought for a moment to be the opinion of any of them that the conduct of the member for Shrewsbury was not honourable in the highest degree.

The Marquis of *Londonderry* said, there could be no doubt that the article containing such an insinuation was a libel, and a breach of the privilege of the House. He would therefore support the motion.

The motion was agreed to; and, on the motion of Mr. Bennet, R. T. Weaver, the printer of the newspaper intituled "John Bull," was ordered to attend the House to-morrow.

MOTION FOR THE REPEAL OF THE SEDITIOUS MEETINGS, AND BLASPHEMOUS AND SEDITIOUS LIBELS BILLS.] Mr. *Lennard* rose for the purpose of calling the attention of the House to the consideration of two acts of the last parliament—the one intituled, "An Act for more effectually preventing Seditious Meetings and Assemblies;" the other "An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels;"—two acts, perhaps, the most important in their consequences and the most fatal in their effects on the vital principles of the constitution, of any that had been passed since the just expulsion of the house of Stuart from the government of these realms;—acts, between which an odious rivalry in the power of mischief might be said to exist. In performing the task which he had allotted to himself, he trusted, when his inexperience in the House was considered, that he should meet with the indulgence which was so often shown to persons placed in similar situations. If he could show that the constitution had been infringed by these measures, that important rights of the people had been taken away, and that restraints as unjust as unnecessary had been imposed, his purpose would be answered. In a review of the constitution, two of its most important features were—first, the right of the people to meet for the redress of grievances; the right to express, in the way of humble petition, their opinion either to the Throne or to either House of Parliament; secondly, the liberty of the press, unfettered and unshackled by the dread of frightful and unconstitutional punishment. He did not say that these rights were gone; but it would be difficult for the most devoted admirer of the measures of the noble marquis and his colleagues to contend, that they had not been abridged and narrowed, in a way the most unconstitutional, the most destructive to the existence of civil liberty, and the most likely to produce that discontent which they were designed to smother. It would be his endeavour to show that the people of England had been convicted and sentence passed upon them on insufficient grounds; that it had been passed in times of alarm, when the minds of his majesty's ministers were under the influence of terror; when their fears magnified the danger—danger in fact, if it had in reality existed—produced by the dreadful expedient of a regularly organized system of espionage advocated and supported by ministers themselves. It had been well observed by Mr. Fox, on a similar occasion, that no passion was so calculated to harden the heart and make it sanguinary as excessive fear, and that the most inhuman tyranny had always had its foundation in the hearts of those whose actions condemned them to incessant terror. On consideration, it would be seen, that the oppressive measures under consideration had been supported in the country by two classes of persons—those who in their hearts were hostile to the people and who willingly and eagerly seized every opportunity to abridge their right; and, secondly, those who concurred in them under the influence of panic, and conceiving through the medium of their fears, that the civil constitution of society was about to be dissolved, were willing to sacrifice a part, in order to save the remainder. Those who, on a calm review, should repent the injury they had done to their country, in a fit of despondence or fear, had now an opportunity of restoring to the people those rights which they had helped so unjustly to vote away. He should indeed hope, that his majesty's ministers themselves,

after having enjoyed the full benefit of the panic produced, would not consider it necessary any longer to debar the people from the enjoyment of those civil rights which had contributed to make them the envy and the admiration of other nations. Before the passing of the acts in question, the right of petitioning existed in the freest and to the most unlimited extent. If the people were aggrieved—if the measures of ministers met with their disapprobation—they assembled, and their opinion was expressed; it reached the House through its constitutional channel and the throne—now dammed up, but not, he trusted, for ever. Would any one pretend to say, that the opinion of the people, their wishes, and their remonstrances, would, under the new system, ever reach the House as it did in the case of the income-tax? Let the House consider how, under the act in question, the right of petitioning might be exercised. By one act no county meeting could be held unless it was called by the lord lieutenant, the sheriff, or five magistrates; no town meeting, unless called by the mayor or head officer of the corporation: even a parish could not be called together without notices being given by seven householders of the parish, of their intention to meet, to some neighbouring magistrate, that he might attend with power to dissolve it if he thought fit. To all measures there were two classes of objections—those founded in principle, and those arising from the practical effect. In principle, a law which abridged a right which was considered as one of the most important possessed by the people, must be admitted to be a grievance; in practice, the law which imposed those restraints had been found to possess in its execution all those inconveniences which had been so prophetically anticipated. Had not the very line of conduct which has been pursued by the sheriffs been anticipated? Who could consider the conduct of many of the sheriffs without being convinced of the truth of what he asserted? The slightest consideration of the different refusals given by those sheriffs to the requisitions to call meetings for the consideration of the measures against the Queen would show that their conduct had been as arbitrary as the different reasons for their refusal had been absurd and futile. By the passing of these bills, the spirit, the fire, the freedom, the boldness, and energy of the British constitution, had been mainly impaired. It was the energy, the boldness of a man's mind, which prompting him to speak, not in private, but in large and popular assemblies, that constituted the principle of freedom. It was that principle which gave life to liberty; and without it the human character was a stranger to freedom. That liberty of speech had been a third time wrested from us; and he contended that if we continued long deprived of it, much of the freedom, the fire, and the boldness of the British character would be lost. It was not until the unhappy period of 1796, that any such attempt on the liberty of the subject had been made, and then the fetters were less severe, and the duration of their imposition shorter, than the present. These acts were passed only for three years; the one allowed seven householders to call a county meeting, while at present five magistrates were required to do so; the other limited the period of banishment, on a second conviction for having published a libel, to seven years, instead of leaving it, as was done under the present act, at the discretion of the judge to banish for life. But on the passing of those bills, one of their warmest, and certainly one of their most effective supporters, sir William Grant, admitted, that in a time of peace, if they had been brought forward, he should have had no hesitation in rejecting them; admitting at the same time the benefits which resulted to the people from their ancient privilege of assembling, deliberating, and expressing their sentiments on any public measure; and that the voice of the people acted as a salutary check and corrective, of which even legislators stood in need. Even supposing, for the sake of argument, the necessity of the bills in 1796, how different was the state of the country in 1819, when the acts under discussion were brought forward! The hon. member went on to contend—that the state of Europe, and of this country in particular, in 1796, could not be compared; and that there was much less necessity for such measures in 1819 and at present, than there had been at that period. The Solicitor-general had declared that he was tired of temporary expedients; and the noble marquis opposite, after much opposition, had consented to limit the duration of this bill to five years, in order that, at the end of that time, it might be renewed and rendered permanent, after having received such alterations as should be found necessary,

to render it completely effective. He had said that these bills were passed under the influence of terror, when the passions and the fear of his majesty's ministers led them to magnify the danger. Could any proof of what he asserted be wanting, when the evidence given on Mr. Hunt's trial was considered? The trial of Mr. Hunt had contradicted all the positions laid down by the noble marquis and his colleagues. Where was there any evidence of the heaps of stones and brick-bats, said by the noble lord to have been accumulated in heaps in the place of meeting, and supposed by him to have been brought there in the pockets of the Radicals? Where was there any account, except in the noble marquis's speech, of the unfortunate magistrate, said to be trodden to death? What traces were there of the bloody dagger which had created such panic in the House and through the country? The learned counsel for the prosecution against Mr. Hunt had admitted, that there was no trace of it to be found unless in the circumstance that the end of one of the flag staffs had been painted red. What was proved with respect to the constable, said by a noble lord in another place, to have been stoned to death? Why, that after having thus effectually played his part, he had been resuscitated, and was quietly living with his family without having ever received any injury. The subject of the melancholy catastrophe at Manchester would shortly be brought before the House by the honourable baronet, the member for Westminster, and the House might then from his eloquence and his talents, expect that every topic that could be urged on that disastrous subject would be urged. He had only noticed it, as having led to the adoption of the two bills, the repeal of which was his present object. If the conduct of the meeting at Manchester had been considered as affording grounds for passing these acts, and if it could be shown that such conduct had been misrepresented; that the fear and the misconduct of the magistrates had enabled ministers to make out a case which had induced the House to punish so severely an offence which, it could be proved, never had been committed, was it not an act of mere justice to reverse the attainder of the people's liberties—to remit the forfeiture on their innocence being proved?—With respect to the conduct of spies, to which he had alluded, it must be admitted, that no persons had been more assiduous in their endeavours to undermine the loyalty of the people, by disseminating among them the most seditious and inflammatory publications, and by inciting them to acts of violence and treason, than these paid agents of the government. He did not say that there was no discontent—he did not say that the opinion of the people was not decidedly against the measures of his majesty's ministers—he did not say, that an opinion was not generally entertained of the expediency of a reform in that House; but he contended, that it was lawful to express these opinions, and that the wisdom of our constitution had well provided for the due restraint of any excess or ebullition in their expression; and he sincerely believed that, had soothing remedies been applied instead of punishment and coercion, much more real benefit would have resulted. But, would silence ensure security? Did they suppose that they made men forget their grievances when they made them silent? No: if a man who feels himself aggrieved is prevented from declaring his sentiments in a constitutional way, he is forced to other expedients for redress. In proportion as opinions are open, they are innocent and harmless. They become dangerous to a state only when persecution makes it necessary for the people to communicate their ideas under the bond of secrecy. But it might be said, that one of the acts would expire in a short period, if the people should show themselves worthy of the boon, and if their conduct should tend to the supposition that they would never again transgress in the eyes of the noble marquis and his colleagues. The people were told, that when every thing went well, when they were happy and comfortable, they might meet freely to recognise their happiness and pass eulogiums on the government, or on the holy alliance; but that in times of calamity, when they considered themselves aggrieved, it was not permitted them to meet; because then, instead of eulogizing, they might think proper to condemn ministers. What a mockery to say that this was preserving to the people the right of petition! If it were contended that the mixed and balanced government of England was good only for holydays and sunshine, but that it was inapplicable to a day of distress and difficulty—if it was meant that freedom was not as conducive to order and strength as it was to happi-

ness—let it be said so, and he would contend, that among all the other advantages arising from liberty, were the advantages of order and strength in a supereminent degree; and that too at the moment when they were most wanted. One of the most remarkable consequences of the two bills, and, in his mind, one that was most to be dreaded, was, the apathy they had produced among the people. He sincerely believed that, comparatively with former times, the mass of the people took very little interest in whatever was passing in that House: they considered it as sitting to devise new and severe laws for the abridgment of those rights and liberties which remained to them, and which had never been more dangerously attacked than by the passing of the two bills in question. He could not devise a mode of more effectually awakening the confidence and the gratitude of the people, and enabling them the more cheerfully to bear the privations which the fallen state of commerce had brought upon them, than by the repeal of those odious bills.—He should now proceed to make some observations on the second act under consideration—one, in his opinion, not less important, not less afflicting in its operation, than the first, and for the repeal of which he was equally anxious. It had introduced a new and dreadful punishment for an offence the most indefinite of any that was known to the laws of England;—an offence that no act of parliament, no judge, no lawyer, had ever yet precisely defined, and which it was declared in another place, when that act was under discussion, it was impossible to define. By that act judges were enabled on a second conviction to inflict the punishment of perpetual banishment. When he looked back at the cruel judgments which had passed in former periods of our history, and reflected on the prejudices and passions to which all men were subject, he confessed he saw nothing that led him to negative the possibility that judges might be as corrupt, as servile, and as cruel in times to come, as they had been in former times. They might form a just estimate of a law that enabled judges to inflict a punishment of so dreadful a nature as perpetual banishment, for a crime so indefinite and so doubtful as a political libel. He was one of those who thought that fine and imprisonment were punishments sufficient for the most extravagant opinion as to the form of government of a political community. Might not, as Mr. Fox had observed, the writings of Locke have condemned their author, under a law like the present to banishment from his country? In arguing for the repeal of the bill in 1797, Mr. Fox put the case, that it had been in existence during the prosecutions against Mr. Wilkes; and had asked whether it could be doubted that that individual would have been punished to the full extent of the law. But without going back to a distant period, if the hon. member for Westminster, who had just expiated the offence of what had been deemed a political libel, were again, in the exercise of what he might consider his duty to his constituents, to express himself warmly on the conduct of ministers, and if by another legal finesse, he should be brought again before a Leicestershire jury, and another conviction be gained, he should tremble for the fate which would await the hon. baronet—and the more so, when he considered the spirit which seemed of late to have actuated some of the judges, in cases where political offenders were concerned. It had been said, that the execution of bad laws made bad judges; and he should not wonder if the very cruelty of the punishment inflicted by the Press bill should harden the hearts of those who had to dispense so severe a law. The House had already been approached with petitions complaining of the conduct of one of the judges, not in the administration of the law under discussion, but on the trial of a political offender. He trusted the day was far distant in which they should see the judges imbibing fury and vengeance from that severe enactment, and adding to the cruelty of the law by the severity with which it was dispensed. No one could have witnessed with more pain than he had done the presentation of the petition against the conduct of the learned judge who had tried Mr. Davidson. No one could have more sincerely regretted the conduct of the judge on that occasion, punishing the unfortunate culprit at a time when his mind was intent on his defence, with a severity which those who coincided in opinion with that learned judge could not find a precedent for in the worst times of the most servile or the most virulent judges. It might be urged, that there had been no appearance of restriction in the liberty of the press since the passing of the new acts, and that that had been shown by the severe con-

ments on the conduct of ministers which had appeared during the proceedings against the Queen. But what did that show? That as yet the people were not fit for the execution of the law prepared for them—that as yet the intervention of a jury was too intent a safeguard to be removed by the attorney-general; but let a case arise in which there was a chance of such a general feeling not existing, as in the case of the Queen, and it would then be seen what would be the forbearance of his majesty's law officers in the execution of this law. It had been suggested, that some who were hostile to the passing of these bills had, since their existence, been less so. If there were such, it was one of the very evils of those laws. Deprive the people of their liberty and their rights, and they soon become unfit for the enjoyment of them; and incapable of appreciating them. It was possible that some with whom he was in the habit of acting, might differ from him as to the time and the manner in which the measures had been brought forward; others, who might have been as hostile as himself to the measure relating to the seditious meetings in its origin, might suppose that the people would be best served by letting the question rest, and waiting calmly until the allotted time for the existence of the law should expire. Those who thought so, would perhaps be able to produce some reasons which he had not anticipated. In his opinion, the sooner such an inroad in the constitution as was made by these two bills was abated, the better; and so important did he consider the present motion, that if he should now succeed in obtaining leave to bring in the bill, he pledged himself on every convenient opportunity to bring the subject under the consideration of the House. He had attempted to show, that the state of the country did not require the bills—that the constitution was greatly impaired by them—that they were passed on insufficient evidence, or admitting that they were not, that the existing cause was removed; and that, that being removed, the necessity for their continuance no longer existed. He thought no time was so fit for their repeal as the present; when every just concession ought to be made to a suffering and an unoffending people. If there were those who thought that the liberties of the people were too luxuriant—and that by pruning them they would thrive better hereafter; that the affairs of the nation were best managed when the distresses of the people were concealed by silencing the voice of complaint; that the character of the British public would be improved by the abolition of the expression of public sentiment on national concerns, thank God, he was not one of them! He might be wrong, but by bringing forward this motion, the country would be enabled to fix their own judgment upon it. Happen what might, he should be happy that he could say, both to his constituents and to the people at large, that as far as he was concerned, they might meet unrestrained. The hon. member then moved, "That leave be given to bring in a bill for the repeal of the statute, 60 Geo. 3, c. 6, intituled, 'An Act for more effectually preventing Seditious Meetings and Assemblies.'"

Mr. Serjeant *Onslow* said, it did not appear to him that any grounds had been stated in support of the motion sufficient to induce the House to agree to it. It was said, that the bills proposed to be repealed, had been carried through by two classes in that House; that one had been influenced by hostility to the people, and the other by panic. He did not know in which class the hon. gentleman placed him, but he would leave it to those who knew him best, to judge, whether, upon any occasion, he had manifested hostility to the liberties of the people. If fear had any influence on his decision when those bills were before the House, he had not yet sufficiently recovered from it to vote for their repeal. Certain he was, that the state of the country called for them when they were passed. The hon. gentleman said, that they who opposed his motion were bound to shew that no inconvenience arose from these laws. Now, this principle he could not admit. Inconvenience was no ground for legislation. To establish sufficient cause for a repeal, it should have been proved that the evil produced was greater than the good. He could not allow what the hon. gentleman had said, in reference to the conduct of one of the judges of the King's-bench, to pass without notice. It appeared to him a most improper way of bringing such a subject before the House. If there was good ground for a charge, why not proceed against the learned judge in a constitutional mode? He would willingly submit his conduct to the most jealous investigation. He had known the hon. judge alluded to from early life, and he never knew a man of more tender and

delicate mind, more averse to harsh measures, or less disposed to stretch the law beyond its just and necessary limits. He must deprecate any bye attacks of this kind. If there was any thing censurable in the conduct of the learned judge, a constitutional mode of inquiry might be resorted to. He was surprised to hear the hon. gentleman tell them gravely, that the people were deprived of the means of making themselves heard in that House by petition: seeing that there was no topic of public interest on which since the passing of these laws, numerous petitions had not been presented from all parts of the country. It was said, that the people were prevented from meeting in a constitutional manner to express their opinions. Now, before the time of the grand rebellion, there was no instance of any meetings having been held in the manner prohibited by the acts of 1819. How, then, could it be said, that they invaded the constitutional mode of holding public meetings? Magistrates, it was true, were appointed by the Crown; but could they be called the creatures of the Crown? When was it seen that a magistrate had been dismissed for his political conduct? The relation in which lords lieutenant of counties stood was quite different. If Mr. Fox, in 1797, was not able to convince the House of Commons that they ought to repeal the acts of 1796, it was not very likely that the hon. gentleman could now persuade them to agree to his motion. He had no hesitation in saying that, were he in the House in 1796, he would have voted for the bills then proposed. He could not be persuaded that sir W. Grant had upon that occasion professed that he would not assent to them in time of peace. Had he been reported to have said, "in time of tranquillity" he could understand it, but surely a person who viewed every subject with so much good sense and acuteness as sir W. Grant, could not, under the circumstances of the period, have refused his assent, whether in peace or war, to measures so necessary. With respect to Mr. Hunt, he was convicted by a jury of the county of York. He had afterwards applied to the court of King's-bench for a new trial, and the application had been unanimously rejected. He deemed that the punishment of banishment from the realm was new to the constitution. Abjuration of the realm was still a part of the law of the land. The definition of a libel was said to be such as no judge could understand. It appeared, however, to him, to be pointed out in these acts with sufficient clearness. The offence was described to be, the composing or publishing a seditious or blasphemous libel, tending to bring the government into contempt. Under these circumstances, he felt himself bound not to retract this original vote. He should not move the previous question, but should let the House go to a division upon a motion which he thought ought not to have been made.

Mr. *Denman* said, that having through the whole progress of these bills done all in his power to oppose them, though without effect, he felt obliged to his hon. friend for bringing forward this motion, as it gave him an opportunity of stating that his opinions upon the subject remained unchanged. He maintained that these bills were an innovation on the constitution, and it was for those members who wished them to be continued, to point out the necessity for their further existence. He denied that there had ever existed any necessity for the enactment of such measures. Whatever might have been the excesses committed, the ancient law of the land was sufficient to repress or punish them. If this was not the case, then our ancestors had gone on in the dark, and their errors had only been discovered by the new lights thrown upon the country by the bills of 1819. Where was it found that the ancient law was insufficient to preserve public tranquillity? Was it to be argued, that the proceedings which took place at the memorable Manchester meeting required the enactment of a new law? What greater power could any magistrate require, than that exercised by the Manchester magistrates on that occasion? The House had there the example of a peaceable meeting, assembled for a constitutional purpose, dispersed and routed by a military force—and that, too, without any warning or notice, and while they were receiving from their leader the strictest injunctions to demean themselves quietly. Was that act of the Manchester magistrates legal, or was it not? If it was not legal, then both the House and the country had been grossly deceived; but if it was legal, where, he would ask, was the necessity of enacting any new law to preserve the country from the dangers arising from public meetings? Not only had that meeting been dispersed, but the persons who called it had been

punished by law—not by any of those new laws, but by the ancient law of the country. There had been a similar meeting held at Birmingham, and though that meeting had not been dispersed by violence, nor had any sacrifice of human life resulted from it, yet it being held illegal, the parties concerned in convening it were punished by the ancient law of the country.—With respect to the new law against political libels, he maintained that there had been no prosecutions for that offence but under the ancient law of the country. There was not a single instance within his recollection of any prosecution under the new act; though it was avowedly brought in for the purpose of preventing or punishing such an offence. If, then, the ancient law of the land was sufficient, where, he would ask, was the necessity of continuing this new-fangled measure. The right of petitioning still existed, but with a greatly diminished effect; for those opposed to the government had, in many cases, been driven to holes and corners by the conduct of the magistracy. A system of departmental divisions, of which so much had been heard in another case, was here adopted. The legislature were setting their wits against those who were supposed to create mischief among the people. A parish was to be divided, if it contained more than 10,000 persons. Had a single instance occurred of enforcing that provision? Such a provision afforded great opportunities for mischievous persons to call together great numbers, and to inflame their dissatisfaction, by referring to the very restraints imposed on them. Every symptom of what had been complained of had ceased, but not from the effect of the acts. Were the supposed mischief-makers in earnest or not? If they were in earnest, the acts were not sufficient to restrain them; if they were not, the acts were not necessary. The act against popular meetings had established a fatal precedent: it had severed the people from the throne: it had destroyed those feelings and associations which ought to be most sedulously cherished.—He should now proceed to say a few words with regard to the blasphemous and seditious libel law. He was aware that that act was not directly under the consideration of the House; but it was so intimately connected with the present subject, that it could not easily be separated from it in discussion. He had not expected to hear any individual assert, that a blasphemous and seditious libel could be exactly defined; and therefore it was with considerable surprise that he had found his learned friend maintaining that it had been so defined in the act in question. His learned friend had taken up the Statute-book and read the words of that act, until he came to the words blasphemous libel. Then he stopped short of a sudden, just as if he had proved the point which he had originally asserted. Now, he thought that there was nothing definite in the words "blasphemous libel." As to what was or was not blasphemy, scarcely any two men could agree: different individuals formed different opinions on the subject; and no human mind had yet attempted to define it precisely. Indeed, Mr. Hone had been acquitted in London by three successive juries, on the same grounds that other individuals had been convicted of blasphemy by other juries in the country. That was a decisive proof that blasphemous libel was an offence of a very indefinite nature. But seditious libel was, he supposed, an offence of which the law gave a somewhat clearer definition. Seditious libel, his learned friend had said, was any thing which tended to bring the government into contempt. Now, the commission of such an offence might, under certain circumstances, instead of being a crime, be the duty of every man who loved his country. Wherever grievances existed, it was natural to wish for their removal; and, in the endeavour to do so, it might be necessary to point out such defects in the government as must naturally tend to bring it into contempt. According to the existing law, if any speech were made at a public meeting which had a tendency to produce that effect, or which appeared to the presiding magistrate to have such tendency, it was in his power to dissolve such meeting immediately. If any individual refused to disperse after such dissolution had been proclaimed by the magistrate, he was liable to be treated as a felon, and to be transported for seven years. Now, he would ask, whether that was not a grievance, and a grievance of considerable magnitude? If a meeting were called for the redress of grievances, how could the purpose of it be effected without entering into a repetition of the grievances themselves, and an examination of their causes and consequences? And yet, if any person entered into such a discussion, he was liable to all the pains and penalties which he had

described, and might even be cut down by military force, according to the recent laws which had received so strong an eulogium from his learned friend, the sworn friend and defender of the liberty of the subject. Of those laws he entertained a very different opinion from his learned friend. Though nothing but necessity could justify them, they had been passed without any necessity being proved for their enactment: they had been passed upon *ex-parte* statements, upon fraudulent assertions, upon anonymous and inconsistent affidavits. Connected with these laws was another law passed at the same time, equally restrictive of the liberties of the people, and equally uncalled for by any defect in the existing laws. Military training was an offence even under the old laws; and he believed that every person who had been convicted of it had been convicted upon the old law, and before the passing of the new one. After making some further objections to these laws, the learned member proceeded to observe, that they savoured strongly of that rigid and unrelenting spirit, which had inserted more penalties in the statutes passed in the reign of the late king than were to be found in all the statutes which had been passed in the reigns of all his predecessors, from the time of Magna Charta downwards, and which in fifty years had loaded our shelves with more volumes of law-books than had been written in the three hundred years preceding them. That spirit was of the most mischievous nature; but none of the effects it had produced was so dangerous as that which had provided a remedy for evils which did not exist, or which, if they did exist, was more calculated to increase than remove them. He had not any intention, when he entered the House, of troubling it at the length which he had done; but the arguments of his learned friend had compelled him to break silence, and to offer the observations which he had made in defence of his own consistency. He had formerly maintained, that the acts of 1819, had been justified by no necessity; he now maintained that that necessity, if it had ever existed, was completely removed; and he trusted that there was yet too much spirit in the House to permit any encroachment on the liberty of the people to endure any longer than the necessity for its continuance could be made apparent. He had no doubt that there were still left in the House many gentlemen who would be happy to place their opinions on record in favour of the rights and liberties of their countrymen.

Mr. *Hutchinson* thanked the hon. mover for bringing forward this question, and giving him an opportunity of saying a few words respecting the operation of these laws in that county of which he was a representative. He did not know what the learned gentleman meant, when he stated that a necessity existed for the continuance of these laws. He could not see that necessity; and he was therefore at a loss to see upon what ground the learned gentleman could vote for bills, which were disgraceful and insulting to the majority of the nation. He would not say that he would not, upon a case of extraordinary necessity being made out, vote for such bills; but he never did think that such a case had been made out by ministers. Would the learned gentleman say, that Scotland was in the year 1819 and in the year 1821, in the same state of tranquillity? The learned gentleman could not forget that the noble marquis and his supporters, in bringing forward these laws, had stated that there were regularly organised bodies opposed to the government; that they were trained to arms—that they marched with flags and banners—and that there were several thousands, both in England and Scotland, so openly opposed to the government, that it was necessary to have an additional number of troops—and that numbers of families in the country had been obliged to leave their homes, and seek protection in large towns. When the noble marquis had made these statements, in which he was confirmed by many hon. members, it was not wonderful that many gentlemen should think that a strong case had been made out, and that the measures had been called for; but the learned member could not have contended, that the same danger existed at the present moment, if he had not spoken under panic, and argued from generals to particulars. He could not conceive any two things more dissimilar than the state of the country in 1819 and in 1821; and when he could not be led to believe that a necessity which justified such an infraction of the rights and liberties of the subject existed in 1819, he could not be expected to alter that opinion in 1821, when the noble marquis who had then stated the necessity of these measures did not pretend to say, that it now existed. He re-

collected that the noble marquis, after having stated the disturbed state of England and of Scotland, as the ground of his introducing these measures, concluded by contrasting the state of these countries with that of Ireland; and that the noble marquis, after expressing his satisfaction at the tranquillity of that country had never stated, that it was his intention to extend the operation of those bills to Ireland. The noble marquis had afterwards, to satisfy hon. members who thought it unjust that parts of England which were in as perfect a state of tranquillity as Ireland, should be subjected to the operation of these laws, and that Ireland should be exempted, extended them to Ireland—a measure which he, though without success, had felt it his duty to oppose. With regard to the Seditious Libel bill, he would say that it was completely uncalled for in Ireland, because there had not been one conviction in Ireland for seditious libel. Such an outrage and insult upon the Irish nation could only be equalled by the continuance of these bills, which were altogether unnecessary.

Mr. Serjeant *Onslow* said, he believed the disposition to excite the people to tumultuous meetings still existed in full force, and that nothing but the laws in question kept them down.

Mr. *Maxwell* said, he had given his support to the Seditious Meetings bill in 1819, because several meetings had occurred in that part of Scotland in which he resided, little calculated to promote the right of petition. He had also done so, because he knew that nine-tenths of his constituents approved of the measure, and because he wished to guard the people from such mischances as had occurred at Manchester. He certainly could not have given his consent to the measure, had the noble marquis persisted in proposing it as a permanent measure; but the noble marquis, on going to the vote, had met the wishes of himself and others, by making it only temporary. After such a compromise had taken place between them, he should consider himself guilty of a breach of faith to the noble marquis if he voted for the repeal of the Seditious Meeting bill, even though convinced that there was no longer any necessity for its existence. With regard to the Seditious and Blasphemous Libel law, he laboured under no such difficulty, and should vote for its repeal.

Mr. *Abercromby* said, he was one of the few on his side of the House who voted that the bill should pass into a law. The reasons on which he had done so were perfectly satisfactory to his own mind; and their correctness had been proved by every thing that had since occurred. He had thought the conduct of the people at the time more injurious to the right of petitioning than any thing that had ever been known before, and therefore he had voted for the bill. He, for one, had never doubted that the Manchester meeting was illegal; but many respectable gentlemen had been of a contrary opinion. The question had, however, been set at rest at York; and he apprehended it could no longer be doubted that such meetings were illegal. But when he voted for the passing of that bill, thinking it necessary at the time, he did not bind himself to vote that it should continue in force when its operation was no longer necessary. Circumstances that had occurred since it passed, had led him to the conclusion that it ought to be repealed. The conduct of the sheriffs under this law, though in some instances very creditable, had in others not been what it ought to have been; and meetings like that which had formerly taken place at Manchester, Birmingham, Sheffield, and other places, having been declared illegal by the decisions of courts of justice, he thought, in the present tranquil state of the country, there was no pretence for keeping this law in force. He should therefore give his vote in favour of the motion; but, at the same time, he regretted that it had been brought forward; for in the same way in which the people had endangered the right of petitioning by the mode in which they had formerly assembled to petition, he was of opinion that his hon. friend had injured the cause, of which he was the able advocate, by bringing forward the motion at the present moment. He wished him to consider in what situation, if the motion were not carried, they must stand, when this bill should expire. Could his hon. friend persuade himself that its failure would not furnish ministers with arguments in favour of its renewal? "Look," they would say, "at the proceedings of 1821. Where were the meetings—where were the disturbances to be complained of then? Yet the House, though the subject was brought before them, refused to repeal this law in that year, and thus it

may be naturally inferred that they considered it fit to become a part of the constitution of the country."

Mr. *Lennard* rose to reply. He said he did not entertain any sanguine hopes of the success of his motion, for he had seen nothing in the conduct of ministers which could lead him to expect that they would display the slightest leniency to the people. He had, however, made it in order to show the inhabitants of England that there were still some men in the House who regarded their interests, and who wished to restore them to such portions of their birthrights as they had been unjustly deprived of. He had expected to hear something new from the defenders of these bills; but in this he had been disappointed. Not a single hint had been made as to the existence of any secret conspiracy, nor had any letter been read from any of the anonymous correspondents of the secretary of state, who, on a former occasion, had spread terror and dismay throughout the whole of his department. He thought that the very omission gave him an additional reason for asserting that the bill ought to be repealed.

Sir *J. Newport* said, that as no case had been made out by ministers in favour of the laws sought to be repealed, he should feel it his duty to vote for the motion.

The House divided: Ayes, 58. Noes, 89. Majority against the motion 31. Mr. Lennard then moved, "That leave be given to bring in a Bill for the repeal of the statute 60 Geo. 3, c. 8, intituled 'An 'Act for the more effectual prevention and punishment of Blasphemous and Seditious libels.'"

Mr. *Denman* said, he could not agree to allow a law to remain in force, by which an individual might be exiled for that which a jury, under particular circumstances, might regard as a libel tending to overthrow the government of the country. He had heard that bill introduced with horror, but the circumstances under which it was proposed were no longer in existence. The blasphemous and seditious press, as it had been called, had been completely put down, not under these bills, but under the old law, as it ought to have been in the first instance. The worst of those libels which had been suffered to inundate the country for so long a period, had been proved to have been sent forth by spies and agents, as it should seem for the purpose of deluding the people into acts of outrage and violence, in order to find a pretext for abridging their liberties. They were now called upon to get rid of a measure which he regarded as an evil of the most alarming magnitude—of a law which in his judgment could not remain in force if the liberty of the press was to continue.

The House divided: Ayes, 66. Noes, 88. Majority against the motion 22.

List of the Minority.

Abercromby, hon. J.	Moore, A.
Barham, J.	Monck, J. B.
Baring, H.	Macdonald, J.
Bernal, R.	Maberly, J.
Benyon, B.	Milton, visc.
Birch, J.	Newport, sir J.
Bright, H.	Newman, R. W.
Boughey, sir J.	Nugent, lord
Byng, G.	O'Grady, S.
Burdett, sir F.	Palmer, C. F.
Bury, lord	Philips, J.
Buxton, F.	Phillips, G. R.
Concannon, L.	Rickford, W.
Crompton, S.	Russell, Greenhill
Chaloner, R.	Rice, Spring
Calvert, C.	Robarts, A. W.
Coke, T. W.	Robarts, col.
Calcraft, J.	Ramsden, J.
Denison, W. J.	Ricardo, D.
Davies, col.	Smyth, J. H.
Dundas, T.	Scarlett, Jas.
Ebrington, lord	Tierney, rt. hon. G.
Folkestone, visc.	Tavistock, lord
Fitzroy, lord C.	Whitbread, S. C.
Fergusson, sir R.	Western, C. C.
Gordon, R.	Webb, E.
Griffiths, J. W.	Wyvill, M.
Guise, sir W.	Warre, J. W.
Graham, S.	Williams, W.
Harbord, hon. E.	Wilson, Sir R.
Hurst, Robt.	TELLERS.
Hobhouse, J. C.	Lennard, B. T.
Hutchinson, hon. C.	Denman, T.
Haldimand, W.	PAIRED OFF.
James, W.	Mackintosh, sir J.
Lushington, Dr.	Townshend, lord C.
Langston, J. H.	Wharton, J.
Martin, John	

POOR RELIEF BILL.] When the Gallery was again opened, Mr. Western was on his legs, addressing the House on the importance of affording the fullest opportunity for discussing the motion of his hon. and learned friend on the subject of the Poor Laws.

The Marquis of *Londonderry* expressed his readiness to concur in any arrangement that appeared desirable to accomplish the object which the hon. member had in view. His personal acknowledg-

ments were due to the hon. and learned gentleman, who, notwithstanding his extensive professional labours, had found time to turn his thoughts to this most important subject. As the bearings of the measure which he had to propose must necessarily be of a complicated nature, perhaps it would be better, since on the first opening of his plan it could not be expected that hon. members would be prepared to enter upon the discussion, that the hon. and learned gentleman should state that which he had to propose, or the outline of his plan, and then let it stand over for future consideration. He would give the subject his best attention, and he quite agreed with the hon. gentleman that the fullest opportunity ought to be afforded for debating it.

Mr. *Scarlett* said, that as a short delay would be of no material importance, he would consult the pleasure of the House, and open the subject now, or postpone it until a future evening. [Cries of "Go on, go on."] As such seemed to be the will of the House, he would proceed, as shortly as the nature of the subject would admit, to state the grounds of the amendments which he wished to make in the laws relating to the poor. Aware of the vast importance of the subject—aware that one of greater importance could not be brought under the consideration of the House, he perhaps ought to apologize that so humble an individual as himself should intrude it upon their attention. It was with some difficulty that he could persuade himself to offer a proposition for altering the poor laws that had not previously received the sanction of the government of the day. Had he thought that such a measure, or any thing like such a measure as he had to propose, would have been originated by ministers, he would have been the last person in the House to anticipate their intentions by bringing this measure forward. He would go further and say, that if he had had any reason to believe, that the body of gentlemen who formed the committee appointed some years ago, to inquire into that subject, had entertained any design of bringing forward the measures of which they then suggested the outline in their valuable report, he should have felt it his duty to leave the business in their hands. But, understanding from some who were members of that committee, that they had no such intention, he ventured to take it upon himself, from a deep and solid conviction, that something must be done at no distant period to arrest this great and growing evil.

He would now proceed to state that which he had to suggest, and in doing so, he begged leave to say, that the subject was not new to his consideration. It had for many years occupied his thoughts, and he had made the most anxious inquiries into the cause and character of the evil. The House would easily perceive that there might be some excuse for a person so much employed out of the House as he was, if he had not possessed himself of all the information which had been laid before them from time to time. He had read the reports which had been made on this subject; but he had not had an opportunity of doing so, until after he had given his notice. It was, however, with much satisfaction, that he found that there was no view which he had previously taken of the poor-laws, which was not confirmed and supported by the reports which had been laid on their table. It was satisfactory to find, that what he had to propose was thus sanctioned by gentlemen who had given so much of their time and attention to the subject; and this co-incidence led him to hope, that that which he had to submit would be more worthy of the consideration of the House than he could otherwise have hoped that it would be likely to prove. The great evil in connexion with the present poor-laws, which must press on every man's mind, was this—that by law an unlimited provision was made for the poor. To this fact he wished particularly to call the attention of the House. The effect of making an unlimited provision for the poor, it would appear *à priori* must be this—it must operate as a premium for poverty, indolence, licentiousness, and immorality. By the doom of nature man must earn his bread by the sweat of his brow, and nothing could be more injurious to a country than the adoption of a principle in legislation which held out to any considerable portion of the population an exemption from such sentence, and disconnected the ideas of labour and of profit. The poor-laws held out to the labourer a prospect of relief, not in old age, not in sickness—but a refuge from the consequences of his own indolence. They had a tendency to degrade the character of the man who received relief under them, to lower him in his own estimation, to diminish his industry, and

thus to involve, by degrees, in their fatal circle the whole mass of the labouring population. This being the effect which might be expected *à priori*, it was naturally to be supposed, that the evil would increase, and continue to increase with additional rapidity. This would be found to be the fact. The evil thus continuing to increase, must at some time or other—if the period were not now rapidly approaching—become so great, that all the industry that could be bestowed on the land would be insufficient to enable it to maintain our augmented pauper population. In some parts of the country, it was well known, that on account of the heavy pressure of the poor-rates, it was not worth the farmer's while to cultivate the land; and if the evil continued to increase, it would at length come to this, that the poor-rates would be so enormous, that the farmer would not care to cultivate the soil, even if the landlord would give him the land for nothing.

He would now proceed to state the result of the inquiries which he had made; and first, as to the effect of the present laws on the feelings of the people. The relief was scarcely considered in the light of charity: there was nothing of grace about it; it was bestowed without compassion, and received without gratitude. There was another consideration which was paramount to all others—it dissolved between the poor and the rich those ties which had formerly bound together the different orders of society; there was no longer gratitude on the one hand, or real charity on the other; the poor received without thanks what they were entitled to receive, and the rich gave without compassion what they were compelled to bestow. Such was the direct operation of these laws; and, let the House examine still closer their result, by looking at the progressive increase of the poor-rates, which appeared to be inseparable from their operation. They would find, that so rapid had been the augmentation of the poor-rates, that unless some attempt was made to stem the torrent, they must at no distant period absorb all the land in the kingdom, and thus consume that upon which the poor had altogether to rely. In tracing back the produce of the poor-rates, it would be found that in the years 1748, 1749, and 1750, the annual amount was about 689,971*l.* In 1776, it was 1,530,804*l.* making in twenty-six years an advance of nearly 1,000,000*l.* In the year 1783, the amount was 2,000,637*l.* making an increase of half a million in seven years. In 1803, the amount was 4,267,963*l.* making an increase in the twenty years preceding of almost 2,200,000*l.* In 1813, the amount was 6,129,000*l.*; so that it appeared to have increased in ten years two millions. Looking therefore at this increase, during the successive years he had mentioned, it would be found to stand thus: During the first period there would be found an increase of half a million in thirteen years: in the second period, the increase was half a million in seven years: in the third period it was one million in the same space of time; and in the last period it was a million in five years. In the year 1815, the poor-rates amounted to 6,129,844*l.* If they were suffered to go on progressively at this rate, unaffected either by peace or war (for such seemed to be the anomalous nature of their operation) their gradual accumulation must, as he had said before, absorb the whole property of the country; indeed it would very soon be found that a number of parishes would be utterly unable to relieve their poor. The hon. and learned gentleman next read an extract from a document which appeared in the report of a committee of the House of Lords, respecting the state of the parish of Namptwich, in Cheshire. In the year 1816, the parish officers addressed a public letter to the inhabitants, in which they stated that the increase of resident paupers from 1781, to 1815, was from 50 to 90. The increase of out paupers for the same period was in the same proportion. In 1781 only there were six bastard children charged on the parish. In 1815, they had increased to 37. Yet the price of corn was nearly the same at both periods, and wages considerably higher. The House, he was satisfied, would therefore agree with him in thinking, that a dependence on parochial relief caused a diminution of individual exertion, an inattention to economy, and a relaxation of morals. It was remarked, that in proportion to the liberality of the parish was the increase of paupers, the increase of vice and dissipation. Parochial aid extended to persons supposed not able to find employment, was found to be attended with consequences most injurious, most destructive of the best habits and the moral character of the people. It took away

the necessity of labouring. Men, in order to indulge in idleness, became paupers. Thus the feelings of the people were gradually blunted, and the labouring class, formerly considered with so much justice the very strength and pride of the state, were in danger of becoming a disgrace and a burthen.

Such being the state of things, and the sense entertained by the country of the operation of the Poor-laws, it became absolutely necessary that something should at length be done, in order to stem the torrent. The simple remedy, in such a case was, to ascertain the source of the evil, and then take away the cause. This was the obvious course, unless, in removing the cause, a greater evil was likely to be inflicted—than that which the removal was intended to remedy. The first step to be taken was, in his judgment, to limit the provision collected under the existing laws. With this view he meant to suggest the declaring a *maximum*, beyond which there should be no assessment for these rates. Now, according to the attention which he had bestowed upon this part of the subject, he thought it most expedient that the last year's rates throughout the kingdom should be fixed as the Poor-rate *maximum*. They were not then at the highest ratio; but they were perhaps nearest to it; and he should propose; "that from and after the passing of the act, it shall be unlawful to assess or levy in any parish or place in England any larger assessment for the relief of the poor than that assessed and levied for them in the year ending on the 25th of March, 1821."

That was the first measure which he intended to submit to the House; and if he found that they were likely to go with him in the principle which he had laid down, it was his intention to follow up such a bill as he had sketched, with another, having for its object the establishment of a different system of administering relief under the Poor-laws. It was well known that the original object of the legislature, when the act of Elizabeth was passed, was, not to disseminate a premium for idleness, but to confer a relief for those whom old age or infirmity had disabled, and rendered incapable of supporting themselves by the efforts of their own industry. A practice, however, had since grown up in the administrative system of those laws, not to confine the relief to the original objects of the law, for whom it was alone intended, but to extend it (which was done in very many parts of the kingdom) to persons who represented themselves as unable to obtain work. The abuses of this modern practice were incalculable. He thought it absolutely indispensable that the legislature should correct either the law or the practice. To correct the latter was perhaps impossible; if even it could be practised, the effect would perhaps be deemed extremely severe; for it would be retrospective in its operation, and would consequently affect large families reared up under the security of a protection which the law led them to think permanent. He thought that much attention was due to the families of the poor under such circumstances—for instance, every gentleman acquainted with agricultural pursuits knew that when the labouring man married, he reckoned on having the second child supported by the parish, and the overseer had regularly to meet a claim of 2*s*. or 2*s*. 6*d*. per week for that purpose. A new principle ought to be infused into the poor. Why was not the labouring man to be impressed with the same necessity for husbanding his resources for his family, that were felt by other classes in society? It was obviously of the same advantage to all classes, that such an impression should prevail, and that a most immoral system must be the result of any particular relaxation from so just and provident a responsibility. His second provision would then be of this nature—"That it shall not be lawful for any overseer of the poor or justice of the peace to order or apportion any relief to be given to any person who, at the time of passing this act, shall be single, except in cases of actual infirmity of body, old age, or debility by sickness or accident." The effect of such an enactment would, he thought, be, to restore habits of industry and provident regulation among the poor, and to make them look a little more to their own resources when they had them; instead, as was now the case, of compelling the really industrious classes of the community to sacrifice a portion of their hard earnings to support the idle.

If these two measures were deemed acceptable, he should have a third to offer, upon which he was perfectly prepared to meet a contrariety of sentiment. His own opinion upon it was, however, fixed; and as it was the result of long

reflection, he hardly thought it could be shaken by any argument which might be opposed to it. As the law now stood, all parish paupers might be removed from the place at which they sought relief, to any other where they had been born, or might claim a settlement. The acts of the 13th and 14th of Charles 2nd enabled justices of the peace to order the removal of such paupers. Now, the effect of these laws was, to restrict the free circulation of labour, and to expose the labourer, who, being unable to obtain employment in his own parish, honestly endeavoured to seek it elsewhere, to the penalty of being seized and sent back to a parish where there existed no demand for his labour, and where, from the situation of the place, he was sure to remain a pauper. A more oppressive and impolitic law than that never existed any where: it made poverty a crime, and its punishment banishment. This was at once cruel and unjust, and most certainly as injurious to the community as it was to the individual. Suppose any member of parliament were to get up in his place, and propose such a bill as the following—"Whereas an incapacity to obtain bread by labour, by reason of bodily infirmity, or old age, or accident, is a great crime, and deserves exemplary punishment; be it therefore enacted, that if, from and after the passing of this act, any individual shall, by sudden calamity, old age, or scarcity of provisions, be unable to maintain himself and family, he shall be taken before two of his majesty's justices of the peace, and, on proof of the fact, be forthwith sent to such part of England where himself or family, was born, without any regard whatever to his or their maintenance there"—would not the House say, that the man who made such a legislative proposal was not only mad, but grossly inhuman; and yet he asked, where was the difference between it and the present code of our Poor-laws? Indeed, the impolicy and inconvenience of the law itself was soon felt after the passing of it, in the time of Charles 2nd, and much pains were taken by subsequent statutes, to modify and regulate the arrangements for carrying the provisions into execution. The consequence of these modifications was, the ultimate establishment of an artificial system, founded upon arbitrary and often imaginary principles. Well might Burn, when he wrote on the operation of this clause in the Poor-laws, declare that it had led to a greater quantity of litigation and hostile divisions than any other law on the statute book, ay or than all the other laws from the time of Magna Charta put together. Such was the inevitable result of living under an artificial code of laws—the law was first made absurd, and then, instead of its being repealed to remove the incongruity, an artificial system was created in order to keep it in operation. A part, then, of his object was, to abolish the law for removing paupers from one place to another by an order from justices of the peace, or otherwise. He anticipated that it would be objected to this alteration, that it would entail upon manufacturing towns a heavy expense, for supporting those for whom they had no longer the employment which first attracted them to the spot. He had selected Manchester as being the place where the operation, whatever it might be under such circumstances, must be particularly felt. The labouring classes collected in that town were numerous, and, according to the present practice, as they became paupers, they and their families were removed, some to London, some elsewhere, by the Manchester parochial officers and justices; but in looking at the assessment for the poor at Manchester, he found it less than that in the agricultural parishes. In the year 1816, when a great additional expense was thrown upon the town by the equalization of the county rates, he found that the assessment for the poor was 8s. 6d. in the pound; it was afterwards much less; while at the same time in the midland and other agricultural counties the assessment amounted to 20s. in the pound on four-fifths of the rent. What would be the effect of the proposed alteration upon the town of Manchester? Suppose it prevented them from removing, four or five hundred families in the course of the year, and that this made a corresponding increase in the local assessment for their support; yet still the town would be saved the support of its own distant poor, who were conveyed back according to the present practice. On principle, however, he objected to the power of sending away, when business declined, those by whose labours, in the time of demand, the town had become enriched; and sending them away to places to which they had previously contributed nothing. In looking at the consequence of the alteration, he thought it could easily be

shown, that no serious apprehension need be entertained; the effect would, in point of fact, be to make that practice general among the manufacturers, which was now only partially adopted. In one of the largest manufactories in Manchester, an excellent and politic practice had prevailed, which prevented a single labourer from being thrown by that factory upon the parish. The condition of the manufactory was, that each workman should, while employed, subscribe a small sum to a fund which was reserved in case of contingency, for his future support. The hon. and learned gentleman then detailed some of the expenses incurred by the Manchester parochial officers for the removal of out-poor, and compared them with the expense incurred for their own poor who were brought back; and showed, that no great difference of expense would be likely to accrue to them from the proposed alteration. In Manchester it was the practice not to hire servants for the whole year, to prevent their gaining a permanent settlement; but there was a very large number of Irish labourers, as well as some Scotch, who were fixed residents in the place. There were in the parochial accounts standing heads for the Irish, the English, and the Scotch poor; and it was a remarkable fact, which ought to be mentioned to the honour of the Scotch people, that only four had ever been known to require relief. The list of Irish, in 1815, was 1,676, and it had greatly augmented since, as well as the English; but the educated, enlightened, and industrious people whom he had first named, had only furnished four instances of obtaining parochial relief at Manchester. The hon. and learned gentleman concluded by summing up the three measures which he had opened to the House: the first was, the establishing the assessments for the last year as a maximum: the second, the preventing parochial relief where the parties merely grounded their claim upon being unable to obtain work: and the third, the abandonment of the power enabling justices to order the removal of paupers. He knew it had been held out, that the fear of removal operated as a check to pauperism. But this check would not be needed when his other measures were adopted. The proper check was the fear of poverty. That there would be times when there would be need of relief for poverty, beyond what his measures would supply, he admitted; but, for a remedy they might trust to what had never been known to fail—the benevolence of the country. Temporary distress should be met by temporary remedies, but they should not perpetuate a law which went on increasing the evil which it professed to remedy. The hon. and learned gentleman concluded with moving, "That leave be given to bring in a Bill to amend the Law relating to the Relief of the Poor in England."

The Marquis of *Londonderry* begged leave to express his sincere thanks to the hon. and learned gentleman, for the pains he had evidently taken with this most important subject. In refraining at present from making any observations upon the details which had been so forcibly submitted by the hon. and learned gentleman, he trusted that he would not infer from his silence any want of zeal, or any disinclination to lend his assistance in considering the whole subject. As the hon. and learned gentleman at present merely moved for leave to bring in his bill, sufficient time would no doubt be hereafter allowed to consider the whole question.

Sir *R. Wilson* said, that though he acknowledged the good intentions of his hon. and learned friend, he must deprecate any proposition to take from the unemployed industrious poor a subsistence to which they had just the same right as every gentleman had to his estate. If the Poor-rates were oppressive, let a reduction of taxation be first tried, before they attempted to alter the law of the land.

Mr. *Calcraft* said, that although he could not entirely agree in the propriety of the measure recommended by his hon. and learned friend, yet he begged leave to tender him his most sincere thanks for having undertaken the investigation of so important and pressing a subject. It appeared to him, that in the Report, which reflected so much credit upon those concerned in drawing it up, one main reason of the increase of Poor-rates had been entirely overlooked. Whoever would trace the rise and progress of taxation, or the national debt, would find that it was regularly accompanied by a diminution of the prices of labour; and thus they would find the increase of Poor-rates accounted for. It was not his intention to enter into the question at length upon the present occasion, but, when the fit opportunity

for full discussion arrived, he was prepared to prove the fact, beyond dispute, that as the price of corn had increased, in the same proportion had the value of labour diminished. Therefore gentlemen must not expect to find relief from the evils of which they complained, by the present or any other measure of the legislature, unless they were prepared to advance the price of labour. His hon. and learned friend had divided his measure into three distinct propositions. The first was, that a maximum of rates should be fixed. Now, it was known to many hon. members that this had been tried locally, and that it had been found to fail. The next proposition was, a return to the pure administration of the law of Elizabeth, and this he took to be an extremely wise recommendation. Whoever looked to the practice of country magistrates since the report to which he alluded had been printed, would see that the methods used to carry the Poor-laws into effect had been much more strict and efficacious than before. Unless, however, even if this part of the measure should be accomplished, it could be insured either that the price of labour should be increased, or that the price of provisions should remain at its present low state, it would be impossible to keep the Poor-rates down. The last proposition related to the question of settlements. He must confess, that he was afraid of the introduction of any new system upon this branch of the question. He was aware that the existing regulations led to much litigation, and that they possessed numerous and considerable evils. But still he was afraid of any new laws, because he thought they would still be liable to create litigation, disquiet, and expense, besides other inconveniences which could not be foreseen. He must confess that the plan of his hon. and learned friend would tend to simplify this part of the question, but he was afraid that the difficulties of carrying it into effect were so great that he could not hope to see his hon. and learned friend's expectations realized. Having said thus much, he did not mean to object to the introduction of the bill; on the contrary, he should give it that due consideration which any measure, coming from a member of such talent and such standing in the country as his hon. and learned friend, deserved, and particularly a measure relating to so momentous and important a subject to the country. He did not, he must say, view the operation of the present system in the same light that many intelligent individuals did. He did not perceive that alteration in the habits, conduct, and energies of the people of this country, which some gentlemen imagined had taken place, and which they ascribed to the operation of the Poor-laws. On the contrary, he would say, that a more energetic, industrious, and obedient population than that which existed at present in this country, was not to be found in any other part of the globe, where a spirit of liberty pervaded society. In the year 1740, the same gloomy predictions were uttered, with respect to the Poor-laws dissolving the moral feelings of the people which were now indulged in. But, let the House look to the conduct of the people, to the progress of society in this country, to its increase in wealth and commerce, and to its wonderful energy in arms, since that period. From 1776 to 1815, the period during which the Poor-rates had increased most rapidly, was also the period of the most rapid improvement in the commerce and manufactures of this country. He ascribed the increase of those rates, to the want of an increased price for labour, to the lax administration of the law as it stood, to the national debt, and to the circumstance that, whether these rates amounted to six, seven, or eight millions, they absorbed a considerable proportion of the wages of agricultural labour in this country.

Mr. *Sturges Bourne* said, he considered it as a matter of congratulation to himself and to the House, that this subject had been taken up by so able and competent a mind as that of the hon. and learned gentleman by whom it had now been brought forward. The propositions which the hon. and learned gentleman had submitted to the House were not new to it. With respect to the first point proposed by the hon. and learned gentleman, namely, that of a maximum, it had been brought under the notice of a committee by a gentleman to whose opinion great deference was paid. He, in common with many others, was, in the first instance, startled at such a proposition; and, in drawing up the report, pains were taken to place it in the clearest point of view. Reference was made to its having already been acted on as a local provision. The Isle of Wight, the place where the experiment was tried, was eminently calculated to give it every fair chance of success.

The plan did not, however, answer. Application was made to the legislature for an increase of the maximum, and he believed it went as far as double the sum originally proposed. The object of the committee from which the report emanated was, not only to introduce measures for legislative enactment, but to bring the whole subject fairly before the House and the country. He need not state his concurrence in the principles laid down by the hon. and learned gentleman, because he was a party to the drawing up of the Report upon which they were founded. The committee had laid before the House every thing which they considered as tending to elucidate the true merits of the question, as far as matters of direct information went, and then they proceeded to notice all the subsidiary and auxiliary measures which they held to be desirable. One of the strongest of these recommendations was the encouragement of select vestries, which they considered as being of the first importance in connection with the great object of their inquiries. He mentioned this the more particularly, because he hoped that it would have some effect with the hon. and learned gentleman, so as to induce him to consider it in the framing of his bill. There were many cases in which the establishing of select vestries had diminished the Poor-rates to a great extent. In the town of Newbury they had been reduced one-third in the course of two years. In many other places in the north of England, the best effects had resulted from them. At a village near Richmond, in Yorkshire, the rates had been decreased in a similar proportion to the diminution at Newbury. In the populous town of Preston, in Lancashire, the decrease had been still greater; it amounted to three-fifths in one year. He made this statement, because it would be of the greatest use if other parishes who were not acquainted with the advantages to be derived from, or even of the existence of the law, should be induced to resort to the plan of appointing select vestries. The second measure, relating to the right of claiming relief, was the great object to which the attention of the House should be directed. If that were once settled on a solid and equitable basis, he thought all the evils of the present system would be corrected. The last report of the committee was particularly directed to that point, and he had been asked to carry the principle into execution by introducing a declaratory law that relief should be afforded to the aged and infirm only. As to the third point, great objection had been made to the proposal for making two years' residence a settlement, by honourable members, in consequence of instruction from constituents; and he feared the hon. and learned gentleman would meet with much opposition from the same quarter.

Mr. *Monck* said, that though, in their debates, they reprobated the principle of an agrarian law or of Spencean justice, yet, in acts of parliament, they had absolutely adopted that principle; for gentlemen of landed property were the nominal owners of the land, while the rents and profits silently found their way into the hands of the parish officers, to be distributed to the poor. The system of our Poor-rates were extremely objectionable. They degraded the poor man, because he received that in the shape of alms, which ought to be given to him in the more creditable shape of wages. But, though the system was objectionable, he was not prepared to abridge the poor of that assistance which they had hitherto received. He traced the great amount of the Poor-rates to excessive taxation; and before he abridged the rights of the poor, he must see a repeal of the malt-tax, and of the salt-tax, and, above all, he demanded in their name a repeal of the obnoxious Corn bill.

Mr. *Mansfield* felt it his duty to make a remark upon the proposition of the hon. and learned gentleman, not to allow parish relief except to the sick and infirm. In the large town which he represented, one-half of the manufacturers had at one time been thrown out of employ; and that not from a combination of the masters, but from the uncertainty of trade. They had, in consequence, suffered severe distress; and what would have been their situation, had such a bill as the one now proposed then been in operation?

Mr. *Philips* observed, that although there were some parts of his hon. and learned friend's bill to which he should object if taken separately, yet to the whole united he had no objection whatever. On the contrary, he augured great good from its adoption, and thought it right to take an early occasion of bearing his testimony to the salutary effects of the act passed upon the proposition of the right hon. the member for Christchurch some years ago, especially in those dis-

tricts of Lancashire with which he was more immediately acquainted.

Mr. *Ricardo* expressed his surprise that any apprehension should be entertained of the tendency of his hon. and learned friend's bill to create embarrassment in the law of settlement, as the great object of that bill was, to remove all difficulty and litigation with respect to that law. It had been observed that labour, instead of being paid in wages by employers, had been paid out of the Poor-rates. If so, why then should not the amount of such payment be deducted in fairness from those rates? This was one of the objects of his hon. and learned friend's bill; because that bill proposed to have the labourer paid in just wages by his employer, instead of having him transferred to the Poor-rates. The effect, indeed, of his hon. and learned friend's measure would be, to regulate the price of labour by the demand, and that was the end peculiarly desired. With respect to the pressure of the taxes and the national debt upon the poor, that pressure could not be disputed, especially as it took away from the rich the means of employing the poor: but he had no doubt, if the supply of labour were reduced below the demand, which was the purpose of his hon. and learned friend's measure, that the public debt and taxes would bear exclusively upon the rich, and the poor would be most materially benefitted.

Mr. *M. A. Taylor* highly eulogised the principle and tendency of his hon. and learned friend's proposition, which he had no doubt would be productive of great good. He considered that the real evil of the Poor-laws arose out of the question of settlements. The litigation and expense occasioned by the disputes upon this question were beyond the conception of those who had not been concerned in them.

Leave was given to bring in the bill.

Mr. *Scarlett* then brought in the bill. In moving the first reading, he said he wished to make a few observations upon the remarks of his gallant friend. When his gallant friend stated, that the object of the bill was to abridge the rights of the poor, he stated that which was not the fact, and that which must have been founded in an entire misunderstanding of what had fallen from him. The object of the bill was, to increase the independence and to improve the condition of the poor of this country; and if it had, as his gallant friend represented, an opposite tendency, he trusted he was one of the last men who would be found to support it. He was of opinion, that that which would be most fatal to the independence of the poor, was, a feeling that they had a right to the allowances granted to them by the present system of Poor-laws. There was one argument which he had forgot to mention, that went strongly in favour of the bill. It was this—that the compulsory law for granting relief, had been the great cause of the low price of labour. In the North, where the Poor-rates were less than in any other part of the kingdom, wages were considerably higher; and land was better cultivated and better let there than in the south. It certainly appeared sowewhat paradoxical, but it was quite true, that in Sussex and Surrey the same kind of land, lying in a better climate, would not fetch so much rent as in Yorkshire, where the price of labour was considerably higher. The hon. and learned member then alluded to a paper which he held in his hand, containing a statement made by a Mr. Walker, who had applied the principles upon which the bill was founded, to a particular district in the town of Manchester for four years. The result was, a regular diminution of the rates to a very great extent. The statement went on to express the conviction of the writer, that, if he had the means of carrying this plan to its full extent, in a very few years there would be no Poor-rates at all, except for the disabled and impotent, who were their proper objects.

The bill was then read a first time.

Bankruptcy Laws Amendment Bill.] Mr. *John Smith* observed, that in calling the attention of the House to the present state of the Bankruptcy Laws, he had to remind those gentlemen who sat in the last parliament, that the measure which he had now to propose, was not altogether new. A bill containing nearly the same provisions as that which he should have the honour to move for leave to introduce, he had before submitted to the House, and it had met with its approbation. It had, however, failed of success in the other House. In bringing it once more under consideration, he should not deem it necessary, at this stage of the proceeding, to go into a minute exposition of all its parts. He would refer shortly to one or two of its principal objects, and state the more important evils which

it was designed to remedy. One of the chief was, the danger and difficulty to which the commissioners were themselves exposed. It was also most desirable to adopt some means of putting an end to the frauds so often practised in obtaining certificates. He flattered himself that the measure in question would interpose some obstacles in the way of these fraudulent proceedings, while it would, at the same time, contain provisions for the security of the unfortunate and innocent bankrupt. His view was, indeed, to have the bankrupt laws, as they stood, duly enforced, especially for the protection of honest bankrupts, being thoroughly convinced, from long observation, that from the prevalent perversion of the law, honesty was the worst policy in a bankrupt. The hon. member concluded with moving, "that leave be given to bring in a bill to amend the laws relating to bankrupts."

Leave was given; and the bill was brought in and read a first time.

HOUSE OF COMMONS.

Wednesday, May 9.

BREACH OF PRIVILEGE—COMPLAINT OF "THE JOHN BULL" NEWSPAPER.] On the motion of Mr. Bennet, the order of the day for the attendance of R. T. Weaver was read; whereupon he was called in and examined as follows:

By Mr. Speaker.—What is your name?—Robert Thomas Weaver.

Are you the R. T. Weaver whose name is placed at the end of that paper [a copy of the "John Bull" is of Sunday last was here put into his hand by the clerk] as its printer and publisher?—I am.

Look at the paragraph which is marked, and inform the House whence, and from whom you received that paragraph?—I beg to state to this honourable House, that I am occupied on Saturdays as the printer and publisher of the paper; but that the literary part of it is not entirely under my superintendance. Many articles I do not see before the paper goes to the press. That was the case with the one in question. I never saw it until it was pointed out to me as having given offence to this honourable House. I am extremely sorry that I have given offence to this honourable House, or to any of its members. Such was never my intention, nor that of any person connected with the paper [a laugh]. I am extremely sorry that any thing has appeared in the paper offensive to the House, and I am anxious to make every reparation in my power.

By Mr. Bennet.—Who was the person who gave you that paragraph?—That paragraph was not given to me.

Do you know to whom it was given?—I am not aware. I did not see it until it was in print.

Who is charged in your absence with the management of the press?—The editor.

What is the name of the editor?—Mr. Henry Cooper.

Is he the sole editor?—I cannot answer that; all newspapers are in the habit of receiving communications from other parties; it is so with this. I cannot say, therefore, that Mr. Cooper is the sole editor.

Where does Mr. Cooper live?—Somewhere in the neighbourhood of Blackfriars' road.

Is the House to understand that you do not know exactly where Mr. Cooper lives?—I do not exactly know, but I believe it is somewhere in Blackfriars'-road.

When does Mr. Cooper come to the office of the paper?—He is generally there every day.

How long has he been editor?—For some time past; I cannot exactly say how long.

If you wish to communicate with the editor when he is absent from the office, where do you send?—I never have any occasion to communicate with him. He attends regularly every day.

At what hour? Generally from ten till half-past seven or eight.

When did you see him last?—About three o'clock.

Did you communicate to him, that you were ordered to attend this House?—I did not, because he was engaged with a gentleman; but of course he cannot be ignorant of it.

Are you the printer, publisher, and sole proprietor of this newspaper?—I am.

How long have you been the printer, publisher, and sole proprietor?—I cannot actly state the time.

How long have you been the printer, publisher, and sole proprietor?—I do not exactly recollect; a considerable time; since Christmas.

Were you the printer, publisher, and sole proprietor from the beginning?—I was printer and publisher from the beginning.

Who was the proprietor at the beginning?—I think Messrs. Shackle and Arrowsmith. I think their names were at the Stamp-office.

Did you purchase the paper; and if you did, of whom?—I purchased it of Messrs. Shackle and Arrowsmith.

Is not the house in which the paper is printed, that in which Mr. Arrowsmith lives?—Yes, for the purpose of carrying on his business.

In fact, are you not a journeyman of Mr. Arrowsmith, receiving a salary of three guineas a week?—I have an engagement with Mr. Arrowsmith; but as to the three guineas a week, I am concerned in other parts of his business.

Is the House to understand that you are not the sole proprietor, but that you share the paper with Mr. Arrowsmith?—I have other arrangements with him, but not as to the paper.

Then you persist that you are the sole proprietor of the paper, and that Mr. Arrowsmith has no connexion with it?—As to that, some arrangements have been making for my purchase of the paper, but as they are not entirely concluded yet, I cannot be said to be wholly the proprietor.

Did you not swear at the Stamp office, on the 10th and 24th of Feb. that you were the printer, publisher, and sole proprietor of the paper?—Yes.

What price did you pay Mr. Arrowsmith for his giving up into your hands his share of the profits of the paper?—As to that, there have been a number of transactions between us, and it has not been finally determined.

How, under those circumstances could you swear that you were the sole proprietor of the paper?—Because I conceived that I became the sole proprietor by his agreeing to give up the profits to me, although the price was not finally settled.

Was that agreement in writing; and if so, where is it?—It was not in writing.

Was there no memorandum of it? Of what nature was it? Was it merely verbal?—It was verbal.

What was the nature of it?—The nature of it was, that I was to become the sole proprietor on my giving a certain sum of money, which sum has not yet been fixed on.

Had any prosecution been commenced against the paper when the arrangement between you and Mr. Arrowsmith was made?—Yes, one.

Who receives the profits of the paper now?—I do.

Do you keep them to yourself, or do you account to any one for them?—I account various ways for the proceeds of the paper.

Is the House to understand that you account to Mr. Arrowsmith for the proceeds of the paper?—No.

With whom do you account?—Since I became proprietor I have not accounted at all. The purchase money has not been exactly settled.

Do you receive the whole profits and keep them?—The proceeds go to discharge the various accounts of the paper, and some of them have not yet been received.

But such surplus proceeds as have been received, you keep?—Yes.

Was there any witness present at the verbal agreement between you and Mr. Arrowsmith?—No.

What do you pay the editor?—Three guineas a week.

Do you keep the manuscripts of the articles which are sent you for insertion?—I do not. I suppose the editor does.

Do you know if they are in the possession of the editor, from your knowledge of his practice to keep them?—It is impossible for me to say so to a certainty.

By Mr. M. A. Taylor.—In whose name is the house hired which serves as the office of the paper?—The principal office is that of Messrs. Shackle and Arrowsmith, but since the commencement of the paper an adjoining house has been taken.

To whom was the lease given of the House where the paper was first published? Who rents it?—Messrs. Shackle and Arrowsmith.

Who is the landlord?—I cannot exactly say. I believe a widow lady.

Then the House is to understand that the original house where the paper was set up is the house of Messrs. Shackle and Arrowsmith?—It was their's originally as a printing office.

Who took the house? In whose name does the house stand? Who pays the rent?—Mr. Shackle himself.

Have you any banker?—I am sorry to say I am not so rich as to require one.

By Mr. Bennet.—You have stated that you receive the profits to account hereafter to Mr. Arrowsmith, what is the na-

ture of the agreement into which you entered on that subject?—There was an agreement; but the precise terms, and the time of accounting were not mentioned.

Was any sum mentioned which you were to give for the purchase of the paper?—No precise sum; time was to be allowed to see what the profits would be.

Did you not swear on the 10th of Feb. that the printing of the paper was carried on at your residence, at No. 9, Dyer's-buildings, Holborn?—I believe I did.

Was the paper ever printed there? Was it not always printed at Mr. Arrowsmith's, in Johnson's-court?—It is no unusual thing for a printer to put down his address, although he carries on the printing elsewhere. The paper was composed by me, but the forms were carried elsewhere to be printed by steam. It was composed but not printed at the office. The residence of the printer is the principal thing to put down.

Were you at the office on the day on which the paper was printed in which the paragraph in question appeared?—I was.

Did you see the paragraph in question?—I did not see it. It is not unusual for copy to be given into the hands of the compositors after I leave the office.

Is the compositor in the habit of printing any thing without consulting his superiors?—Occasionally.

Do you mean to say, that you do not know who brought the manuscript in question, or who received it?—I do mean to state so.

What is the name of the compositor?—There are five or six.

Do they all print what they like without consulting their superiors?—Certainly not. But some small paragraphs are occasionally brought to be composed after the editor and I have left the office.

By Mr. Wynn.—Did you ever inquire of any of the compositors from whom he received the paragraph in question?—I did not.

Do you know from any compositor by whom he was directed to insert the paragraph?—I do not.

Do you mean to say that you never made inquiry how this paragraph came into the paper, or on whose authority? I do. I beg leave to say, that the printer of a newspaper relies with implicit confidence on the editor. I am not capable myself of superintending the whole of a paper; and I depend on the editor. I can have no doubt that the paragraph is a falsehood; but I beg to add, that if I knew the man capable of writing and sending me a direct falsehood, no power on earth should induce me to conceal his name.

Did you never inquire how this paragraph came into the paper, and on what authority?—I did not.

By Mr. Scarlett.—Was any money received for the printing of that paragraph?—As far as I am concerned, I can say not.

Do you mean to say that you believe no money was paid?—I believe none was paid.

Do you mean to say that you do not know the name of the compositor who introduced the paragraph in question?—It is impossible for me to say which compositor it was.

The question is not what is possible or impossible, but whether you mean to say that you do not know the compositor?—I cannot say who it was.

What are the names of the compositors?—The witness repeated four names.

You have repeated but four names. Who is the fifth compositor?—I believe there is some mistake. I meant that there were five or six compositors, including extra hands.

Who pays the extra hands?—I do.

Were any extra hands employed in the publication of the last paper? I believe there were. The employment of extra hands depends on the press of matter.

The time at which that paper went to press is not so far distant, as to prevent you from recollecting the names of the extra hands you paid? Sometimes we employ one, sometimes another. I do not recollect.

Was the editor in the office when the last paper went to press?—I think he was.

By Lord Nugent.—You have spoken of an agreement between Mr. Arrowsmith and yourself. Do you recollect at what time and where that agreement was concluded?—About seven weeks ago at the office. I cannot exactly say.

Was it as long ago as seven weeks?—I am not quite sure.

Was it not nearer one month ago than two months?—It was nearer two months ago than one month.

Where was the agreement made?—At the office.

At Mr. Arrowsmith's office?—Yes.

Who appointed Mr. Cooper the editor of the paper?—He was appointed previously to my going to the paper.

That is not an answer. Who appointed Mr. Cooper the editor of the paper?—I do not know; I believe Mr. Shackle.

Who pays Mr. Cooper as the editor?—There being other money transactions, sometimes I pay him, sometimes Mr. Arrowsmith.

Is the editor paid more frequently by Mr. Arrowsmith, or by yourself?—More frequently by Mr. Arrowsmith.

Did you ever pay him?—Yes.

How often has Mr. Cooper received his payment as editor from you?—I cannot exactly say; once or twice.

By whom are the current expenses and outgoings of the paper paid?—The Stamp office accounts are paid by me.

Who pays the other expenses?—Mostly Mr. Arrowsmith, some by me.

Who pays the wages of the workmen?—The establishment are mostly paid by Mr. Arrowsmith.

By Sir R. Wilson.—Do you keep any clerk?—I do not.

By Mr. M. A. Taylor.—Who examines the proof sheets?—Sometimes I do: sometimes the reader.

What is the name of the reader?—Duckworth.

Do you keep any regular books, in which are entered the money paid for the insertion of advertisements, and the weekly sale of the paper?—Yes, there are some books.

Who receives the money for the insertion of advertisements and for the weekly sale of the paper?—Principally into the hands of Mr. Arrowsmith.

Is the House then to understand that Mr. Arrowsmith receives the weekly proceeds of the paper?—Yes, principally.

Do you not know that Mr. Arrowsmith receives the weekly profits, and if he does not, who does?—I never said that Mr. Arrowsmith received all the proceeds of the paper.

Who makes those entries in the book of receipts, and to whom is the money paid?—Sometimes I do, and sometimes Mr. Arrowsmith.

By Lord Nugent.—Is there any person in the office authorised to give insertion to such paragraphs as may arrive after you and the editor have left it?—There is no person so authorized, but it is done sometimes when we are out of the way.

Is that suffered to be done at the discretion of any of the compositors?—Occasionally.

Are there any private marks by which the compositors are instructed to give insertion to any paragraphs which may arrive after you and the editor have left the office?—Not to my knowledge.

Did you ever before belong to the office of a daily or weekly journal?—To "The Traveller," and some other papers occasionally.

For what paper were you employed immediately before you went to the office of "John Bull?"—I was engaged on "The Traveller."

By Dr. Phillimore.—Did the extra hands whom you have mentioned ever insert a paragraph without your permission or that of the editor?—It is possible they may have done so.

Do you mean to say that it ever came to your knowledge that they had done so?—I cannot exactly say.

Would you not have dismissed any of those compositors whom you had found so acting?—It is probable I should.

Have you reason to believe that it has ever been done?—So far that in reading the paper afterwards, I have sometimes found paragraphs which I had never seen before.

Did you make any inquiry into such circumstances?—I left it to the editor.

Do you mean to say that such paragraphs were ever inserted without the knowledge of the editor?—I cannot say.

By Mr. Scarlett.—You have said that Mr. Cooper is the editor—do you mean to say that he is the exclusive editor, or that he divides the duty with you?—I take no part as editor.

Is Mr. Cooper then the sole editor?—As far as I know, unless he employs assistants.

Do you pay Mr. Cooper his salary?—Once or twice I have paid him. Mr. Arrowsmith pays him generally.

And you do not know where Mr. Cooper lives?—He never told me, positively.

That is an ambiguous reply. Do you not know where he lives?—I asked him one night how far he had to go home; he said, to the neighbourhood of Blackfriars-road.

Do you mean to say that you do not know where Mr. Cooper lives?—Yes.

By Mr. Bernal.—Is the gentleman who was with Mr. Cooper to-day, and who prevented your communicating to Mr.

Cooper that you were ordered to attend this House, connected with the paper?—No. A number of persons call on the editor who are not connected with the paper.

Do you know the name of that gentleman?—No.

By a Member.—Is it part of the reader's duty to examine the proof sheet; and if so did he not read the paragraph in question?—The reading boy reads the manuscript, and the reader examines the proof.

By Mr. W. Smith.—By whom is the manuscript put into the hands of the reading boy?—By the compositor.

And by whom is it given to the compositor?—Generally by the editor.

If not given by the editor, by whom is it given?—Generally by myself.

If not given either by the editor or by you, by whom is it given?—As I before observed, I cannot say, after I leave the office from whom any communications are received.

I ask whether, to the best of your knowledge, any one of the four compositors whose names you have mentioned, or any of the other occasional compositors, would dare to print any paragraph except of the commonest nature, unless he received it either from the editor or from yourself?—I do not think he would.

Do you believe that the paragraph complained of was printed by any one of those compositors on his own authority?—I should think not.

By Lord Nugent.—Do you mean to say that you never communicated with the editor by letter or note?—All my communications with the editor have been verbal.

The Witness was directed to withdraw.

Mr. *Bennet* said, that as no evidence had been obtained from this man as to the author of the paragraph, and as that was the object of his inquiry, he must move that other evidence be brought to the bar. He did not think the witness entitled to much lenience from the evidence he had given, but he wished to do no more than detain him until those persons had been called from whom more satisfactory information might be derived. He would therefore move, "That Thomas Arrowsmith, William Shackle, and Henry Cooper do attend this House forthwith."

The motion was agreed to.

INQUIRY INTO THE STATE OF ENGLISH COURTS OF JUSTICE.] Sir *J. Newport* rose to bring forward his motion upon this subject. He proceeded to explain the circumstances which induced him to bring this question before the House, and pointed out in strong terms the great delay which had taken place since the appointment of the commissioners in 1815. Those commissioners, five in number (two of whom were masters in chancery) had since their appointment received a salary of 1,200*l.* a year each, making in all a sum of 30,000*l.* exclusive of allowances to secretaries and other incidental charges. There was also an additional sum due this year of 6,000*l.* making in all about 40,000*l.* The commissioners had during that time made but four reports, two on the court of Chancery, and two on the court of King's-bench and Common-pleas. With respect to the reports on the court of Chancery, the lord chancellor, after approving some of the recommendations, was of opinion (after a lapse of five years from the period of the report being made), that it ought to undergo the most grave and serious inquiry. As to the reports of the courts of King's-bench and Common-pleas, the chief justices of those courts had written to the secretary of state for the home department, informing him that those reports had never been submitted to their consideration, or officially made known to them. The excuse made by the commissioners was, that they had experienced great delay and obstruction in the different offices to which their inquiries led them. This, he contended, was no excuse, for the commissioners had, and ought to have exercised the power of obliging the parties to produce the necessary documents. Under all the circumstances, as the original proposer of the inquiry, he felt a natural wish to place his sentiments upon the Journals of the House; and with that view he should move the following resolutions, founded upon what he conceived to be the facts of the case:

1. "That it appears, from returns laid before this House, that the commission to inquire into the state of the English courts of justice, appointed by his majesty on the 9th February 1815, in compliance with their address of the 28th of June 1814, was composed of five commissioners, two of whom were masters in chancery; and that they have been compensated for their services by an annual payment of 1,200*l.* to each commissioner,

amounting on the 9th Feb. 1820 to 30,000*l*., exclusive of the payment of the secretary, and other incidental charges, and of a further sum of 6,000*l*. due to the said commissioners on the 9th of Feb. of the present year.

2. "That the commissioners have delivered in four reports; the first, on the court of Chancery, 9th April 1816; the second, a very small supplementary report on the same court, 20th Dec. 1817; the third, on the King's-bench, 5th Jan. 1818; and the fourth, on the court of Common-pleas, 3rd July 1819.

3. "That it appears, by the statement of the lord chancellor to the secretary of state for the home department, on the 17th March last, that his lordship has adopted some measures, as detailed in that statement, for carrying into effect some of the recommendations contained in the report of the commissioners upon the court of Chancery; and that, in other instances, those recommendations appear to his lordship to require much further consideration, to which consideration (with the advice and assistance of the master of the rolls, and eventually of others of the judges) his lordship now proposes, at the expiration of five years from the period of its delivery, to submit the whole of the report.

4. "That the chief justices of the King's-bench and Common-pleas, in their several statements of the 5th and 6th of March last, acquaint the secretary of state, that their lordships attention had not been in any manner called to the recommendations contained in the reports on their courts, nor had those reports been officially made known to them; which reports had been delivered in by the commissioners, on the 5th Jan. 1818 and the 3rd July 1819, to the office under the control of the secretary of state for the home department.

5. "That this House views with extreme regret the slowness in its progress of a commission instituted for such important objects, and prosecuted at considerable public expense; the obstructions which the commissioners appear to experience in their inquiries, from the reluctance manifested by some of the officers of the court of Exchequer to deliver the returns called for, and to facilitate the execution of the commission, as detailed by the commissioners; the very protracted period of time to which the consideration of some of the measures recommended for regulation of the court of Chancery, and generally of the whole report thereon, has been deferred; and above all, and as highly censurable, the manner in which the two reports on the King's-bench and Common-pleas have been withheld from the notice of the judges of those courts by those public officers, who were officially bound to submit them to their consideration."

On the first resolution being put,

The *Attorney General* rose to defend the conduct of the commissioners, who, he said, had been unremitting in their exertions, and deserved the applause and gratitude of their country. One reason which the right hon. baronet had for finding fault with them was, that they had only laid four reports upon the table. It was true, that a greater number of reports had been made by the commissioners appointed to inquire into the state of the courts of justice in Ireland; but though eight reports had been made by them, and only four by the English commissioners, the English commissioners had, independently of the greater research which they had displayed, done more in point of fact than the Irish, their four reports containing 586 pages, and the reports of the Irish containing only 400 pages of printed matter. The commissioners had not had power to enforce the making of certain returns from the offices of the Exchequer; but surely no reasonable man would impute that circumstance as a matter of blame to them. He defended the lord chancellor from the charges which had been made against him, and asked, whether it was to be expected that that learned and illustrious person was to postpone all his other engagements to examine into the matters referred to him by this commission? With regard to certain of the reports not having been sent to the judges of the King's-bench and the Common-pleas, he begged leave to inform the House, that according to the words of the commission itself, the reports were to be returned to the petty bag office, and that it was not therefore the duty of the commissioners to transmit them to the judges. The secretary of state was the person who ought to have forwarded the reports to those learned persons; but he had failed to do so, from an idea that they had been sent to them from some other quarter. He could assure the right hon. baronet, that there was no reluctance in any of the courts to correct abuse, where abuse was proved to exist. It was unfair

to assume that the labours of the commissioners had not been extensive from the fact that they had not reported many abuses as existing in the English courts of justice. He took that fact to be highly creditable to the English courts, because it proved that no such abuses existed. He felt it his duty to move the previous question to the hon. baronet's proposition, because no case had been made out to support it; because he conceived the commissioners to have been unremitting in their attention to the subject, and because he thought the lord chancellor, and the other parties connected with the charge, had been most harshly and unfairly dealt with.

Mr. *Abercromby* said, the *gravamen* of the charge made by the right hon. baronet was, that the reports had not been communicated to the learned judges until two years after they had been made. He did not know that it was the duty of the secretary of state to forward such reports; but it was a heavy charge against the government, that reports which had cost the country large sums of money, should not be distributed in those quarters where they were likely to prove most beneficial. It appeared to him that the lord chancellor had not done himself justice in this case, for he appeared to have acted in a great manner upon the suggestion of the commissioners. By the return he had made, it appeared that many things had been done of the description required, but that many remained still to be done. A return so framed was surely incomplete and unsatisfactory.

Mr. *B. Bathurst* defended the lord chancellor from any imputation of neglect. That distinguished personage was not responsible for the delay which had occurred. The right hon. baronet complained of the expense of the commission; but was there any novelty in that? There was good ground, perhaps, for the commission into the Irish courts; but certainly nothing had resulted from the extension of the inquiry to the English courts which justified the expense of the undertaking.

Mr. *Baring* expressed his surprise at the right hon. gentleman's view of the duties of government; for, according to that notion, there was nobody to take cognizance of a report framed by a commission under the orders of that House. As to the manner in which the inquiries had been conducted, he should only say, that nothing very sanguine could be hoped from an investigation carried on through the means of the officers in the courts themselves. He denied that any of the fees were to be considered as freehold rights; and, as to the duration of the inquiry, it might have been accomplished in seven months as well as in seven years, if ordinary diligence had marked the proceedings.

Mr. Serjeant *Onslow* saw no reason for the strictures which had been passed upon the commissioners, nor could he understand how the inquiry could have been conducted, except by the examination of the officers in the respective courts.

Mr. *Warre* denied that it was necessary to have masters in chancery on the commission. Four gentlemen inquired into the abuses of the court of Chancery of Ireland, none of whom were masters, yet the result of their labours had been most satisfactory and advantageous.

Sir *J. Newport*, in reply, said, that when he had moved the address he had done all that was necessary on his part. It then became the duty of government to carry the object of the address into effect. The right hon. gentleman had argued that government had no right to interfere. But what said the commissioners? They stated that they had performed the duty allotted to them, and they recommended certain measures to his majesty for adoption. Now, who was to carry those recommendations into effect except his majesty's government? The address which he had moved was a general one, referring to all the courts of justice in the united kingdom. And why was it general? Because he was unwilling to appear invidious by selecting any particular court. He was determined to place his resolutions on the journals, because, in other cases, when resolutions proposed by him had been negatived, he had found that their principle was recognized several years afterwards, in consequence of their being placed on the journals.

The previous question was then put upon the four first Resolutions, and negatived. Upon the fifth, the House divided: Ayes, 56. Noes, 72.

List of the Minority.

Abercromby, J.	Barrett, T.
Althorp, lord	Carter, J.
Bennet, hon. H. G.	Crespigny, sir W. De
Bernal, R.	Curwen, J. C.
Birch, Josh.	Calcraft, J.
Blake, sir F.	Concannon, L.
Barham, J. H.	Colborn, R. N.

Davies, col.
Ebrington, lord
Folkestone, lord
Gaskell, B.
Gordon, R.
Grenfell, P.
Guise, sir W.
Hobhouse, J. C.
Hume, J.
Hutchinson, C. H.
James, W.
Mackintosh, sir J.
Maberly, J.
Martin, Jas.
Monck, J. B.
Milton, lord
Milbank, Mark
Newport, sir J.
Orde, W.
O'Callaghan, J.
Palmer, C. F.
Phillips, G.
Pares, Thos.
Russell, lord W.
Russell, lord J.
Rumbold, C.
Rice, S.
Smith, W.
Smith, J.
Smyth, J.
Stewart, lord J.
Stewart, J.
Tierney, rt. hon. G.
Tavistock, marq.
Wood, M.
Wyvill, M.
Wilson, sir R.
Warre, J. A.
Wynn, C. W.
Whitbread, W. H.
Williams, W.
Newman, W.

TELLERS.

Baring, A.
Macdonald, J.

REFORM OF PARLIAMENT—PETITION FROM CARLISLE.] Mr. *James* presented a Petition from the bankers, merchants, and other inhabitants of Carlisle, praying for Retrenchment and Reform. He expressed his regret that that House had pertinaciously resisted every attempt to introduce a system of economy and retrenchment. Instead of being the friends and supporters of the people, they seemed to be of no other use but to assist the executive government in imposing restraints and burthens on the country. Whether gentlemen would look to the preservation of their own property, and, while assisting themselves, save the public money, he could not tell; but he felt that until the people obtained a reform in parliament—and that they would eventually obtain it he had no doubt—the country could not hope for permanent prosperity. While he had a seat in that House, he would endeavour to procure a restoration of those rights which had been bartered away for power and emolument. If retrenchment and reform were not conceded, the government, he was convinced, would be changed by violence. How much wiser would it be to do something for the people, to prove to them that their complaints had not been made in vain. Those who sat on his side of the House, were told that they agreed on no precise plan of reform. That perhaps was true; but it was likewise true that they all agreed that some reform was necessary. Every man who did not live on the taxes was assured of that. Any plan that would make that House a real representative House, and fill it with individuals who expressed the sense and feelings of the people, would be satisfactory to the petitioners.

Mr. *Curwen* said, that the inhabitants of the county which he represented, if he excepted those who held places or received pensions, were unanimously of opinion that reform was necessary.

Ordered to lie on the table.

REFORM OF PARLIAMENT.] Lord *John Russell* rose to make his promised motion. He said that although some circumstances had occurred in that House a short time ago, which were discouraging to any person who meant to bring forward propositions respecting reform, yet he was bold enough to say that he felt a considerable degree of confidence in proposing the measure which he would that night submit to the House. At the same time, he was by no means blind to the difficulties and the importance of the task he had undertaken. If it was true, as it undoubtedly was, that all governments depended ultimately upon opinion, it was no less true, that the government of England depended upon an opinion vigilant and enlightened, to a degree of which history gave no example. Above all, the eyes of the country were directed, in a peculiar manner, to that House. The people looked, as it were, with a microscope at all their acts, and seemed to consider a vote of even a thousand pounds in the course of the public expenditure as a test by which the honesty of their intentions might be tried and appreciated. Instead of viewing them with any of that superstitious reverence which authority formerly created—that sort of reverence which veiled in mystery all the acts of government—a disposition existed which went rather to deny them even those advantages which must inevitably be acquired by habits of business, and to refuse them credit for that superiority, which experience and the custom of deciding on great questions of state tend so manifestly to produce. But of all the subjects which could be brought forward in parliament, the most serious were those which related to the constitution of that House, because they operated in a particular manner, and were considered, in a peculiar degree, as tests of the disposition of the House to conduct the affairs of the country with integrity, and with a proper affection

towards the people, whom it professed to represent.

In stating the question of reform that night the noble lord said, he would avoid the usual mode of proposing it to the House. The natural and customary practice was, to say that that House did not represent the people, and to refer to its various acts to show that its proceedings were not conformable with the opinion of the people at large. This way of stating the question, although the best calculated for exciting the passions of an audience, was clearly very invidious, as it brought into immediate contrast the votes of the majority and minority of that House. It became necessary to argue, that those who formed the majority of that House were in a minority in the country, and to claim for the minority of that House the honour of being followed by a majority in the country. Hence a contest necessarily arose upon the merits of party which, on a great question of this kind, it was most desirable to avoid. But although he meant to lay out of sight this view of the question he was bringing forward, he neither wished to deny or to conceal that he was in principle a reformer. When he said, that he was in principle a reformer, he thereby meant, that his deliberate opinion was, that this House ought to represent the people, but that it did not, in fact, do so. He could neither agree with the opinion of those who thought that all the proceedings of the House were in perfect conformity with the wishes of the people; nor with those who hold that the House ought not to represent the people at large; but that it ought to display a sort of mixed representation—a representation of the crown, of the aristocracy, of all the upper classes, but not of the great body of the people. Having stated this, he would go no further in this beaten road of argument, but confine himself to an endeavour to prove that there had prevailed such practices, that there had arisen such innovations—whether the effects were or were not at present seen within those walls—as could not but lead, at one time or other, to a dangerous discordance between the opinions of the country at large, and the decisions of the House of Commons. He called on the House to check those practices, and to stop those innovations. He called on them to go no further, but to interpose and prevent the system from being extended, whether those innovations had or had not any influence on the government.

The first object to which he wished to call the attention of the House, was the practice of bribery and corruption. With respect to that practice, he thought there could not be two opinions in the House. All must agree that it was at once highly criminal and exceedingly pernicious; and no doubt could be entertained that such practices did prevail to a very great extent. When he had the honour, a year ago, to move an address on this subject, he had stated the fact, that it was a matter of common conversation in the House that bribery and corruption prevailed in different parts of the kingdom. The noble marquis opposite, who was considered the leader of that side of the House, did not venture to deny that bribery and corruption were known to exist to a great extent. He did not controvert the proposition; and he would have surprised the House, and even his own friends, if he had ventured so to do. As one proof of the effect which this corrupt system had produced, he would relate an anecdote told by the late Mr. Sheridan. That gentleman, during an election, fell into conversation with one of the voters. "I am," said he, "a friend to reform." "I am glad you are for reform," observed the voter; so am I—but some gentlemen behave so ill, they will not give their poor voters a single guinea; and I think that should be reformed." It was well known that in Cornwall this pernicious practice was carried on to the utmost extent. The general system adopted in the boroughs was for the electors to engage with some person in the neighbourhood as patron. He took care of the interest of the town, assisted the poor, and subscribed to some public work; and, for all this, he claimed a seat for himself in the House of Commons, or for any person he might think proper to nominate; while the other seat was generally sold for a sum of money, which was divided, according to the bargain made, between the patron and the electors. That this was a practice quite common, he believed no one would deny; nor did he suppose it would be denied that such a practice was in every way injurious. The very first evil it introduced amongst the people was drunkenness, idleness, and profligacy—a disregard of the sacred obligations and duties the constitution imposed on them—a love of feasting and dissipation—and a

degree of ignorance and brutality which every thinking man must deplore. The second was, that the interests and affairs of towns thus situated were very much mismanaged. In one town a sum of 200*l*. or 300*l*. a year, which was intended for the support of the poor, and for other important purposes, was, owing to this parliamentary influence, totally misapplied. It was laid out in feasts, drinking, and other improper sources of expense. Another evil consequence was, that the executive government was itself inveigled and corrupted, by the necessity which existed, under this system, of conciliating the favour of corrupt voters. It was a well known fact, that persons who had votes in those small boroughs, where the electors were not perhaps more than twenty or thirty, had very often, through the influence of their patron, an opportunity of procuring situations to which they otherwise could prefer no claim—to which they were not fairly and justly entitled. He had received many letters on this subject from the inhabitants of those boroughs; and some of them informed him, that certain offices under government were regularly sold by the voters. What he meant was this—a voter having a promise from his patron of a certain office, and not desiring it for himself or for any of his relatives, would sell it to any individual who wished to purchase it. He did not say this on vague authority; for an instance of this kind had occurred in the course of the Grampound investigation. In that case 800*l*. was given for an office, he believed, in the navy, the promise of which office was the reward of a vote for that borough. The fact was, that this system must corrupt the government; because they were naturally obliged to court the influence of those people, for the support of the measures of government in that House. He did not say that this remark applied more to the present than to other governments. He did not assert that it was their wish more particularly to make use of this borough influence; but it was in the nature of things that they should make use of it, and it could not be otherwise.

As 300 members of that House were returned by places with less than 5,000 inhabitants, and only 80 by the counties of England, the minister was of course obliged to look more to the support of the smaller boroughs than to the support of the counties. If, therefore, those boroughs become venal and corrupt, what must be the consequence? Every one must see that what was called an appeal to the people, would then be an appeal only to a small and degraded part of the people.—Every one must see, that if the government rested on so rotten a foundation, corruption must pervade every part of the state, from the lowest departments in which those voters would have influence enough to obtain office, up to the highest situations in the government, where those persons were placed who depended on such discreditable support.

He came now to the consideration of those remedies which had been at different times provided by the legislature. In the year 1689, the year following the Revolution, a bill was brought in to prevent the enormous expenses which had been incurred at various elections; so that the struggle for our liberties had been no sooner brought to a successful close, than attempts were made to undermine them, and to seduce the garrison to betray the post which they had won by so splendid a victory. In the 7th year of king William, was passed the act well known by the name of the Treating act: the preamble of that act he should take the liberty of reading to the House, because, with some variations, he had taken the words of it for the first Resolution which he should propose. The preamble of the Treating act was this: "Whereas grievous complaints are made, and manifestly appear to be true, in the kingdom, of undue elections of members to parliament, by excessive and exorbitant expenses, contrary to the laws, and in violation of the freedom due to the election of representatives for the Commons of England in parliament, to the great scandal of the kingdom, dishonourable, and may be destructive to the constitution of parliament; wherefore for remedy therein, and that all elections of members may be hereafter freely and indifferently made without charge or expense." It was hardly necessary for him to add, that the enacting clauses of this measure had not been effectual for their purpose. The prohibition against giving money at the time of the election was evaded by a tacit understanding, that it should be paid at some future period; and, accordingly, nothing was more common than for voters to receive ten or five gui-

ness, at the end of six months subsequent to the election. There was also another well known act, having a similar object in view—he meant the act of George 2nd, which inflicted a penalty of 500*l.* both on the party giving and on the party receiving a bribe; disabling them, likewise, from voting or sitting thereafter. He was sorry to say that the ingenuity of persons engaged in transactions of this nature, had discovered a loophole from this restraint; and this loophole consisted of the exemption in the act from the penalties to which the party was otherwise liable upon giving information of his accomplices. The consequence of this provision was, that a custom had sprung up of indicting certain persons engaged to meet the prosecution, so as to secure a candidate and the major part of his supporters. There remained only one statute more, of which it would hardly be necessary for him to take notice, as the author of it (Mr. Curwen) a few days ago had declared, that it was totally inefficacious, and had not been acted upon in any one case. He now, therefore, asked the House, the practice of corruption being so injurious and so prevalent, what further remedy they were disposed to adopt? Would they wish to render the law yet more severe? In his opinion, this was not desirable; and, on the best consideration which he had been able to afford the subject, it appeared to him, that no remedy would be efficacious which went merely to enact new punishments for bribery. To illustrate this, he might mention what they all knew with respect to the game laws, that whatever the penalty might be, it was impossible to prevent gentlemen of large funded property from having game upon their tables. In the same way, how was it to be supposed that old and decayed boroughs, inhabited by persons who were in the lowest state of poverty, next to deriving their subsistence from the Poor-rates, and who must be indifferent to the proceedings of parliament and the course of public affairs, visited occasionally by men of great wealth, and ambitious views, should not present the humiliating spectacle which they now did? How was it to be imagined that these two classes should not meet together—should not make their bargain—and that that bargain should not be corrupt? How could it be expected that, let their laws be ever so solemn, their penalties ever so high, or their hypocrisy ever so well maintained, that the existing practices should not prevail? If men of property scrupled not to expend seven or eight thousand pounds upon a place of this description, in order to procure support, he knew only of one means to prevent corrupt elections, and that was, by some mode of dealing with the franchise itself. But precedents were to be found on their Journals which directly sanctioned the adoption of this course. In the year 1689, the period to which he had already referred, certain corruptions were detected in the borough of Stockbridge, and it was then proposed to punish that town by transferring its privilege to the county of Southampton. This measure was not carried into effect; and he desired the House to look to the consequence. In 1693 an election in the same borough was declared void and corrupt, and a resolution was passed to prepare and bring in a bill for disfranchising it in future. This bill was read a third time, but was, notwithstanding, subsequently lost. It was singular, however, that all these lessons had not secured the purity of elections in that borough; for so late as the year 1793, an entry was made upon their Journals, declaring that notorious bribery and corruption had prevailed at Stockbridge. The next case to which he should draw their attention was that of Aldborough, with respect to which it was ordered, December 21st, 1696, that no writ should be issued but in a full House after twelve o'clock. On December 30th, 1697, more than a year afterwards, in consequence of the mal-practices which were proved to have taken place there, a petition was presented from the voters, confessing their guilt, and praying the favour of the House; upon which the writ was re-issued. In the year 1698, and in 1701, a similar proceeding was adopted with respect to Bishop's Castle; and in 1701, with respect to Great Grimsby, in each of which boroughs they of the present day were not quite ignorant that transactions of the same nature had often occurred. In the year 1701 a formal complaint was made to the House, in consequence of the mal-practices which were proved to have taken place there, against a person of the name of Shepherd, for having carried on a system of corruption upon a very extensive scale —with having, in fact, been engaged at the same time in overturning the freedom of election at Bamber, Wootton Basset,

Andover, and Ilchester. Sir Edward Seymour was chairman of the committee of privileges. After long inquiry, the House came to this resolution: "That sir Edward Seymour hath made good his general charge against Samuel Shepherd, sen. esq. of bribery and corruption in several boroughs that send members to parliament." Shepherd was sent to the Tower. The House voted their thanks to sir Edward Seymour, upon which occasion the Speaker delivered the following speech:—

"The House has had a long examination of several corrupt practices, tending to the destruction of the constitution. They are sensible the discovery thereof is owing to your resolution, to your love of the public, and is brought about at your charge, and by your conduct. It is an honour, Sir, to you, that you are descended from ancestors who have been successful in commanding armies and fleets of this kingdom, and from a protector of this realm; but it is your personal honour that you have protected even the constitution of this place. As the House have expressed their zeal and indignation against those who have endeavoured to undermine and ruin the foundation of their liberties: so they are desirous, at the same time, that your name may stand upon record, as being the means by which it is brought about."

In the year 1702, they went into an examination with regard to certain transactions which were alleged to have taken place at Hindon. And leave was given to bring in a bill, "for disfranchising the borough of Hindon from electing members to serve in parliament." The cases of Shoreham, Cricklade, and Aylesbury were so well known, that it was unnecessary for him to do more than mention them. But the result to which he wished to bring the House was, that neither the remedies to which he had before adverted, nor the inquiries which had occasionally taken place, had yet established any powerful, much less any complete and total check to the evil of which he complained. Something more decisive and more vigorous was yet wanting; or, instead of being diminished, we should find the arts and influence of corruption spreading more than ever. It was undeniable that at each successive general election there were not less than fifty or sixty cases in which this gross and infamous system of bribery prevailed. The establishment of that tribunal, so great an improvement in every other respect, had, in some respects, retarded and prevented inquiries into the practice of corruption. They saw, in the case he had alluded to of sir E. Seymour, that the very irregularity and strange nature of the tribunal gave assistance to any member of the House desirous of exposing corrupt elections; but these advantages were entirely withheld in the case of the small body of members appointed and sworn to try the validity of one single election, and conducting itself by rules of law. The peculiar jurisdiction with which a committee appointed for this purpose found itself invested, and the limitations prescribed by the Grenville act, prevented them from extending their inquiries to any practice, unless it could be shown to affect the return. It was likewise usual to allow the parties to make up their differences; and, in that case, not a whisper was heard of any improper or corrupt proceeding. However unprincipled the conduct of either party, it was then buried in silence, and no one talked of punishment or of exposure.—An instance of this was afforded in the case of Grampound. The Grenville Committee appointed to try the election reported the next day, that the sitting members were duly elected, and the petition was not frivolous or vexatious, it might have been supposed that Grampound was purity itself; but when in consequence of some convictions against sir Masseh Lopez and the voters whom he bribed and did not secure, the House went into an inquiry on the subject; it appeared, that the sitting members had given from two to 150 guineas to each voter. So much for an investigation by an election committee! Sir Manasseh Lopez, who had given 35*l.* each to the voters was convicted in a court of law; but the sitting members, who, as it appears by the evidence given before this House, paid 7,000*l.* to suppress the petition, in addition to all their former bribery, escaped scot free, and represented the borough during the whole of the last parliament. Sir Manasseh Lopez lost his election, and was sent to prison for two years, and persons much more guilty remained in this House to vote a prayer to the Crown, that this unfortunate man should be brought up for judgment. He could not help being struck with the excessive hardship of this case. The noble lord said, it was from this feeling that he had conceived it

to be his duty to interfere; for his persuasion was, that sir Masseh Lopez was one of those individuals who were led into criminal or erroneous pursuits by their notoriety, and by the sanction which they received from prevailing practice. What he had now to propose upon this part of the subject was, that a committee be appointed to devise some better method of inquiring into complaints that might be made of future corrupt practices in boroughs than they at present possessed. Without laying down any positive plan on the subject, he was ready to state, that he should like to see a committee appointed, that should be enabled to take evidence upon oath, whenever a complaint should be made of the state of a borough, on sufficient authority to induce the House to institute inquiry Already the House had made a precedent of an inquiry without the report of a select committee, in the case of Grampound. The noble lord opposite had stated at the time, that it was a novelty, and had nevertheless agreed to establish the precedent. There was another obstacle, however, to the prosecution of these inquiries which was, that all their exertions might be defeated by subsequent proceedings in the other House. Upon this part of the subject he would confess that he should wish to see a new tribunal constituted, capable of determining disputed questions of franchise, that should be equally independent of both Houses. The details, however, of the measure would evidently be left most judiciously to the settlement of a committee.

He now came to the second part of his subject—the propriety of giving representatives to places not at present returning members to parliament. In making such a proposition, what he wished to impress upon the House was, that he was introducing nothing new, which was not clearly required by the new situation of the country—that he was proposing no innovation, where innovation had not already taken place. Let the House look to the mighty increase of our manufacturing and unrepresented towns. When his majesty's ministers were proposing the peace establishment in 1816, he, and many of his friends, had objected to it as unnecessarily large. What was the answer? His majesty's ministers referred them to the prodigious extension of these towns, and the increase of their population. In 1792, the whole of our military force of all descriptions, in Great Britain and Ireland, was 57,000 men: we had this year, in Great Britain and Ireland, including militia and yeomanry, an armed force of 210,000 men. And why? It was but two or three days ago, that the prime minister of this country had assigned, as the only reason for maintaining this overwhelming force, the enlargement of those towns, and the increased numbers of their inhabitants. He founded his proposition, therefore, upon an argument which had been before urged by the government itself they both recognized the innovation; and they both maintained, that it was an innovation which required to be met by new remedies and new methods. The difference, and the only difference between them, was, that the new methods proposed by his majesty's ministers consisted in force and coercion; and the new method proposed by himself was, to conciliate popular feeling, and strengthen themselves with popular affection.

There was one argument of which he wished to take notice before he proceeded further, as it used always to take the front rank in the objections to any motion for reform. It used to be contended, that all the great towns of the kingdom, though not nominally, were virtually represented by persons of those towns, who came into parliament for small boroughs. It was continually repeated, that the merchants and commercial men who sat in that House were the virtual representatives of all these large manufacturing towns. This fiction was something like that which represented a judge as being always counsel for a prisoner; but, upon one occasion, a prisoner had observed, that if "the judge had been his counsel, he would not have put that question," alluding to what had been just addressed to a witness from the bench. So, he believed, these towns might often say to the gentlemen who were called their virtual representatives, that if they were really so, they would not have given such a vote. It was impossible, indeed, that they could be heard in that House, or meet with the same degree of deference, as if they came directly from the place whose interests they were promoting, and spoke the sense of its inhabitants. No member, let his talents or authority be ever so high, would meet with the same attention upon a question relative to the iron manufacture, as if he sat in parliament for the town of Birmingham. But, in point of fact, the bill transferring the elective franchise from Grampound had

entirely abolished this argument of virtual representation.

It was now acknowledged, that reform was wanting, that an evil did exist which ought to be corrected, whenever the opportunity for so doing should occur. So much was now conceded; and in dwelling upon it, he did not wish to take the concession for more than it was worth: it amounted to this, that the evil ought to be corrected only when a fit opportunity should present itself; and it still remained for him to prove, that the evil was of such a magnitude as to require, not only that every opportunity should be embraced, but that means should be expressly taken for immediately bringing representatives of the larger towns within those walls. It gave him pain to be under the necessity of showing in what manner the towns in question had been governed, since they rose into importance, or from about the middle of the revolutionary war with France. It was pretty well known that they had no municipal constitutions of their own: Manchester was under the direction of an officer called boroughreeve, who was, in fact, the steward of the lord of the soil: the town had no sessions of its own, but was included under the same superintendence as the adjoining hundred of Salford. Birmingham was governed by a headborough and constables; and was in the eye of the law nothing more than a village. In neither of these rich and populous communities were there individuals to whom, from their rank or official station, the people were accustomed to look for the tone and colour of their political opinions. In towns that were represented, however violent the politics of those towns might be, there were certain persons candidates for seats in that House, who acted under the control of public opinion, and who gave a consistent colour to the opinions of the body whom they wished to represent. A popular election, besides giving vent to discontent, embodied the vague wishes of hostile parties, and forced all to seek some object which had at least a plausible and legal appearance. It was to the want of any such political centre in these towns, that he was inclined to attribute some of those unfortunate occurrences which had taken place amongst them since the war. There was no authority to which they could conform, or from which they could derive instruction; and when such men as Hunt and Knight came amongst them, the people knew not what to make of them or their doctrines. In this state of things, what was the policy adopted by his majesty's ministers? What was the mode which they selected for allaying the discontent which then prevailed? So far from endeavouring to confirm or establish the authority of persons whose fortune and whose station were pledges of their attachment to the state, a lord lieutenant was himself suspected of harbouring designs hostile to that constitution. Instead of communicating with him, he was removed from his office. And, who was the individual substituted for the purpose of calming these agitations? He was no other than Oliver the spy. Who was the virtual representative of Manchester at that period? The answer must be, "Oliver the spy." At a time when all the elements of combustion were ready to break out into desperate activity, who was the arbiter of peace or civil war in England? The answer must still be, "Oliver the spy." [Hear, hear!] The men to whom he had alluded, and who had been described as ripe for subverting the government and laws, had, indeed, acted in a manner which went to endanger the institutions which were most dear to us. The people were at that time in a state afterwards described by the magistrates, as one of extreme distress, in which they were ready to listen to any plan that professed to relieve it. Now, he knew but of two reasons why men obeyed a government. The first was, because they thought it a crime to rebel; the second was, the fear of punishment. The first of these motives was taken away by the demagogues who taught these poor people, that the government was so utterly corrupt and vicious, that rebellion had become a duty. Then came the government spy, and took away the second motive for obedience, by telling these unfortunate, starving artisans, that 70,000 men were ready to rise in London and second their efforts to overthrow the state. It was a singular proof of the loyalty of the people of England, that, with all this incitement, no rising had taken place in the year 1817, that could not be quelled by twenty or thirty dragoons. He feared, indeed, that there were some persons who thought that a system of coercion and violence was the only plan upon which the government of so populous a country would be advantageously administered. He feared that

there were some who had even applauded the bloody tragedy which was acted at Manchester, and who openly avowed their opinion, that severe prosecutions, that multiplied punishments, and a large standing army, were indispensably necessary. This was their budget of resources: such were the ways and means of oppression by which they proposed to govern a free state. But he would ask even those who defended this mode of government, what further means of security remained? What further tax upon the liberties of the people they could propose, in case of fresh discontents? To increase their standing army? They must, at the same time, increase their burthens; and that increase would occasion disaffection by the very means they proposed to subdue it. To add to their restrictive laws? Those laws had been already pushed as far as it was possible to go, without entirely relinquishing their freedom. He knew but of one resource, of what the noble lord opposite called a system of severe coercion, that had been left untried; and that was, what he would not trust himself with contemplating—he meant a censorship of the press. Surely the example of Glasgow, in April last, proved that we were not safe at present. The question was, therefore, how to secure our safety? Would they continue to restrain, to coerce, and to punish; or, by giving at once, those rights to which their claimants were fairly entitled, try whether they could not, in that manner, conciliate their affections? The proposition which he had to submit was in strict consonance with the practice of parliament, and with the fundamental principles of the constitution, as declared at the best periods of our history. It had, indeed, been questioned, whether it was of any advantage to a body of freemen to have representatives sitting in the legislature; but he could assure the House, that he did not stand there to defend the constitution of England; nor as the advocate of general liberty. It was already provided by that constitution, as a security for our liberties, that the people should come to that House, that they should state their grievances; and whilst the king redressed them, as matter of grace, they, through their representatives, still reserved to themselves the power of granting supplies. To the examples of Wales, of Chester, and of Durham, he might triumphantly appeal for the conclusive refutation of this argument. He wished to see the principle adhered to in those several cases again brought into effectual operation; so that all the various streams of British liberty might mingle together, and in their majestic course, beautify and fertilize every region through which they passed. His hon. friend (Mr. Lambton) had said, on a late occasion, that he could not assent to any plan for granting compensation to boroughs for the loss of their elective franchise, and had called it a measure for acknowledging and sanctioning a white slave trade. On his hon. friend's principle it would be clearly impossible to admit any such arrangement, for that principle went to alter the whole frame of our representative system, to transfer the right of election to counties, and to treat Old Sarum and the city of London with equal respect. Whereas, the proposition which he had now to submit was formed upon a scheme already in existence; and were he to assume that the smaller boroughs were alone corrupt, he might be justly told that the larger were, perhaps, still more so. It had been said, that the elective franchise was a service, and that therefore no compensation ought to be given for it. But he contended, that it was also a privilege, and he held in his hand a copy of the charter of Wenlock, the first charter, he believed, in which the right of sending members to parliament was conferred, where that, with other privileges, was expressly granted by Edward 4th, in consideration of—these were the words of the charter—"the commendable and gratuitous services which our beloved and faithful liegemen and residents in the town of Wenlock have performed to us, in establishing our right to the crown of England, which from us and our ancestors hath been a great while withheld, being disposed to show our grace and favour to the same men and residents." The charter then went on to enumerate the privileges granted. One of these was, "Also we have granted to the same burgesses, their heirs, and successors, that they and their successors for ever shall and may chuse from themselves and others, one burgess for the borough aforesaid, to attend the parliaments of us and our heirs." And the charter goes on to say, that this burgess shall be admitted and sit in parliament in the same manner as the burgesses of any other borough. But, at the time of the Irish Union, a direct precedent was established for granting compensation to bo-

roughs, upon their disfranchisement. The 40th Geo. 3rd, c. 34, is intituled, "An Act for granting Allowances to Bodies Corporate, and Individuals in respect of those cities, towns, and boroughs, which shall cease to send any member to parliament after the Union, and to make compensation to those persons whose offices may thereby be discontinued or diminished in value." Here, then, we had a direct precedent for depriving boroughs of their franchises, and granting them a pecuniary compensation in lieu of them. A sum of 1,400,000*l.* was granted by the Irish parliament for this purpose. He now wished to submit a few considerations on the general principle of his resolutions, which was that of extending the right of representation to certain places not now possessing it. Persuaded he was, that nothing could be more essential than the prosecution of such a course, if they either wished to preserve the affections of the people, or to hand down unimpaired to posterity those blessings of freedom which they had themselves inherited. The course which he should recommend was, to widen the basis of their representative system, in proportion to the vast increase of our wealth and population. In support of this principle he had the authority of all history and experience; and might refer them, in the first instance, to the constitution of Spain. There was a period when Spain had 300 represented towns; but in the reign of Charles 5th, this number was reduced to seventeen, and was no longer able to cope with the power of the Crown. Italy was an example equally in point. During the 13th century, there were, in the different independent states of Italy, no less than 1,800,000 freemen. In the 14th century they were reduced to 180,000, and in the 15th century, there were not above 18,000 individuals who possessed the rights and privileges of citizens. What was the consequence? The downfall of the Italian states as soon as they were invaded—the utter decay of towns, once so flourishing—once so abundant in all the productions of genius and freedom. It was a remark of an eminent historian of the present day, that "this gradual diminution of the number of those who had rights, and who were ready to defend them by immense sacrifices, was, perhaps, the chief cause of the fall of the Italian governments. Liberty," he says, "which had at first been placed on the broadest basis, was made at last to rest on the point of a pyramid."

This, then, was what he now called on the House to beware of. He called upon them to enlarge the foundation of our common liberty; and he asked them, whether, if the suffrages of the people should become more and more contracted, they could look forward to any other result than that their posterity should be, one day, as base and degenerate as the population of Italy had lately shown itself to be? As the basis of representation was contracted in Italy, so their republics had, one after another, been overthrown; the inhabitants, without intellectual vigour, and perverted in their moral habits, had lost all the dignity of their ancient character. They were found, at the commencement of the nineteenth century, so negligent of their former fame—so degraded in their political feelings—that they had acted in a manner which he was sure must kindle indignation in the breast of every one who heard him. Why were the people of this country more attentive than ever to the conduct and measures of government, but because they felt the hand of government interfering with them every day and in every place? He would only add one reason more, why he pressed this subject on the serious attention of the House. The people of this country, above all other nations, required that its government should go hand-in-hand with them. He had seen despotisms firmly established and likely to endure. But why? Because, if the people had little to do with the government, the government had little to do with them—a few taxes and a mild administration of laws left the nation at its ease, perfectly careless who was raised to be minister, or how soon the same minister was excluded by some court intrigue. But in this country we could have no such foundation for obedience—we could not be satisfied with lukewarm loyalty and tranquil indifference—we must have not only the heart but the whole heart—not only the affections but the entire affections of the English nation. For we obliged them, by the sacrifices we asked, to be thinking continually of the state. It could not go on unless supported by the zeal and devoted attachment of the subject. The people were called upon, after all the triumphs which had been achieved, to bear, in silent and patient endurance, all the accumulating burthens which had been

heaped upon them. We had not now the song of victory to cheer, or the hazards of war to incite them: we could offer no stimulating motive to enable them to forget their difficulties and distresses. He therefore asked—he implored of the House, to lose no time in adding another link of connexion between themselves and the country. He conjured them to manifest such a disposition as would convince the people that they were sincere in their endeavours to accomplish a reform; and would render the throne, the aristocracy, and every institution of the state, once more objects of veneration with the English nation.

He had now said all that he believed it was necessary for him to offer to the House upon this occasion. He was fully aware of the difficulty of the task which he had undertaken. To some, he was aware, that he was an object of alarm, as carrying his speculations much too far. Others had treated his proposal with ridicule, as narrow and insufficient, maintaining, that much greater charges were both practicable and necessary. There were persons who were apprehensive that the slightest change must go to endanger the whole system. This last description of persons seemed to overlook the real changes which had taken place in our constitution, and the extent to which the spirit of our laws had been in various ways departed from. He should fearlessly submit for approval or rejection, a proposition which, after the best thinking he could apply to the subject, appeared to him calculated for the benefit of the community at large—a proposition which he doubted not would stand in need of correction, but which was, at least, in its spirit, just and reasonable. Having laid it before the House, he should have the satisfaction of saying to his own heart, that he had done his duty. The noble lord concluded by moving the following resolutions:

1. "That grievous complaints are made in the kingdom, and manifestly appear to be true, of undue elections of members to serve as burgesses in parliament, by gross bribery and corruption, contrary to the laws, and in violation of the freedom due to the election of representatives for the Commons of England in parliament, to the great scandal of the kingdom, dishonourable, and may be destructive, to the constitution of parliaments.

2. "That, in order to strengthen and maintain the necessary connexion between the Commons of this kingdom and their representatives in parliament, it is expedient to give to such places as are greatly increased in wealth and population, and are not at present adequately represented, the right of returning members to serve in parliament.

3. "That a select committee be appointed to consider to what places, according to the principle of the foregoing resolution, it may be advisable to extend the right of returning members to serve in parliament, and of the best method of effecting that measure, without an inconvenient addition to the members of this House.

4. "That it be referred to the same committee, to consider further of a mode of proceeding with respect to any boroughs which may hereafter be charged with notorious bribery and corruption, in order that such charges may be regularly and effectually inquired into, and, if proved, that such boroughs may be disabled from sending burgesses to serve in parliament for the future."

The first resolution being put,

Mr. *Whitmore*, in rising to second the motion of the noble lord, assured the House that he was an enemy to radical reform, whether in the shape of annual parliaments and universal suffrage, or in that milder form of it which proposed to give the right of voting to inhabitant householders; because it appeared to him to aim at the total overthrow of that constitution, which had raised this country to a pitch of glory, unexampled in ancient and modern history. The elements of insecurity were so mixed up with the fabric of radical reform, that instead of amending any part of the superstructure of the constitution, it was calculated to throw the whole superstructure down. But, while he objected to radical reform, because it would tend to make that House purely and entirely democratical, he was a friend to a moderate and rational reform, and he supported the resolutions of the noble lord, because he thought they were calculated to attain that object; and that the noble lord's plan would be found capable of a safe and easy execution. Great changes had taken place among the people since the House had been constituted as it then was; and a change was therefore necessary in order to make the House suited

to the age and to the state of the people. Instead of the members of it being the tools, they ought to be a check upon the aristocracy, and instead of being subservient to the views of government, the House ought to have its constitutional control over the acts of ministers. He had no doubt but an effectual stop might be put to the pernicious consequences arising from bribery and corruption; and that the admission of the large towns to a participation of the elective franchise would tend to tranquillize the people.

The *Speaker* having read the first resolution, there was a loud cry of "Strangers, withdraw;" and the gallery was nearly cleared for a division.

Mr. *Bathurst* rose; but the noise was so excessive, that for several minutes it was impossible to hear him. He said, he thought the remedy should be considered distinctly from the grievance. He had no objection to the principle of disfranchisement, in cases similar to that of Grampound. He understood the noble lord to propose, in some cases, the disfranchisement of boroughs, although no corruption might be proved. In order to justify this measure, it was necessary for the noble lord to show that the House, in its present state, was inadequate to its purposes. Now, there was no ground for supposing, that by an alteration of the constitution, we should see any increase in the number of popular members. The House, with all its alleged abuses, was perfectly competent to discharge all its functions. The noble lord had stated, that parliament, as it was constituted, could not go on for any length of time. It was however obvious, that parliament in the state it then was, had carried the country through difficulties and dangers never exceeded in the annals of any country in the world. Supposing the elective franchise extended to persons holding property of the value of 10*l.* he much doubted whether, out of the persons assembled at Manchester, one hundred could be found possessed of even 10*l.* per annum to supply the places of members deprived of their seats by reform. Could it be supposed that such a reform would remove the complaints? Men would be returned, who, instead of being a valuable addition to the House, would prove pernicious, inasmuch as they would prevent those from acting who had more practical information. The noble lord, upon the whole, had had no foundation for overturning the constitution of the House. The noble lord's plan went to take away the votes from small boroughs, where he supposed corruption was prevalent. It was however utterly impossible for the House to adopt that principle. If once they acted upon such a system, they could never tell where to stop. He should therefore move the previous question.

Mr. *Barham* hoped, as the borough of Stockbridge, which he represented, had been alluded to by the noble lord as an instance of gross corruption, he might be permitted to say a few words. He knew that 130 years since, complaints of that nature had been made; but, from some cause or other, it had not been disfranchised. That borough was now pure, and there was not a greater share of independence in any city or county than at present existed in the borough of Stockbridge. He came down to the House to support the resolution, and the noble lord would not find any one more zealous in doing it than himself. Should the plan of the noble lord be agreed to, the state of all the boroughs would be brought under the notice of the committee; and, in that case, he had no objection that Stockbridge should be placed first on the list.

The previous question being put, the House divided: Ayes, 124; Noes, 155: Majority against the Resolution, 31. The previous question was then put on the other resolutions, and negatived.

List of the Majority, and also of the Minority.

MAJORITY.

Ancram, lord	Cheere, J. M.
Alexander, J.	Chaplin, C.
Arbuthnot, rt. hon. C.	Collett. E. J.
Binning, lord	Cooper, S.
Bourne, rt. hon. S.	Cooper, B.
Bastard, E. P.	Chetwynd, G.
Bankes, H.	Cripps, Jos.
Brecknock, lord	Courtenay, T. P.
Baillie, J.	Courtenay, W.
Buchanan, J.	Cocks. hon. J. S.
Browne. P.	Cockburn, sir G.
Burgh, sir U.	Copley, sir J.
Bathurst, hon. S.	Cranborne, lord
Bathurst, rt. hon. B.	Child, W. L.
Broadhead, T.	Cartwright, R.
Bankes, G.	Calvert, J.
Bruce, R.	Clerk, sir G.
Barry, rt. hon. M.	Clive, H.
Blair, J.	Cole, sir L.
Blake, Rob	Dodson, Dr.
Beckett, rt. hon. J.	Drummond, S.

Dowdeswell, J. E.
Dunally, Lord
Doveton, G.
Downie, Rob.
Duncombe, W.
Eliot, hon. W.
Ellison, C.
Egerton, W.
Fynes, H.
Fellowes, W. H.
Freemantle, W.
Fane, John
Fane, John Thos.
Fane, V.
Forbes, lord
Finch, G.
Goulburn, H.
Greville, sir C.
Gooch, T. S.
Grant, rt hon. C.
Grant, A. C.
Grosett, W.
Gifford, sir R.
Gilbert, D. G.
Grant, Geo M.
Gordon, hon. W.
Holmes, W.
Hotham, lord
Holford, G P.
Handley, H.
Hardinge, sir H.
Hare, hon. R.
Hope, sir W.
Halse, sir C.
Huskisson, rt. hon. W.
Hill, sir G.
Irvine, J.
Jenkinson, hon. C.
Keck, S. A L.
Knatchbull, sir E.
Kinnersley. W. S.
Lascelles, W.
Luttrell, H.
Luttrell, J. F.
Lowther, John
Lowther, J. H.
Lowther, hon. C.
Londonderry, lord
Lenox, lord G.
Long, rt. hon. C.
Lushington, S. R.
Lewis, F.
Morland, sir S. B.
Martin, R.
Manners, lord R.
Miles, J.
Munday, capt.
Mansfield, John
Martin, sir T. B.
Nightingale, sir M.
Nolan, M.
Neale, sir H.
Ommaney, sir F.
Osborne, sir J.
Pitt, Jos.
Penruddocke, J.
Pearse, J.
Pitt, W. M.
Paxton, J. G.
Palmerston, lord
Phillimore, Jos.
Phipps, gen.
Roberts, W. A.
Rogers, E.
Robinson, rt. hon. F.
Russell, J. W.
Robertson, Alex.
Somerset, lord. G.
Scourfield, W. H.
Sotheron, F.
Strutt, T. H.
Sneyd, N.
St. Paul, sir H.
Sumner, T. H.
Somerset, lord E.
Smith, Chr.
Stopford, lord
Tremayne, J. H.
Trench, F.
Thompson, H.
Townshend, hon. H.
Taylor, sir H.
Twiss, H.
Ure, M.
Vansittart, hon. N.
Vernon, Geo.
Vaughan, sir R.
Wynn, C. W.
Ward, J. W.
Wemyss, J.
Wodehouse, Ed.
Wells, John
Ward, R.
Wrottesley, H.
Wilmot, R.
Wilson, Thos.
Wallace, rt. hon. T.
Warrender, sir G.
Walpole, lord
Wellesley, R.
Wilbraham, E. B.

MINORITY.

Althorp, visc.
Abercromby, hon. J.
Allen, J. H.
Buxton, T. F.
Bentinck, lord W.
Barnard, visct.
Bright, Henry
Baring, Alex.
Belgrave, visc.
Langston, J. H.
Lawley, hon. F.
Leigh, J. H.
Maberly, John
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Martin, John
Maxwell, J.
Beaumont, T. P.
Barham, J.
Barham, Jos F.
Baring, H.
Boughey, sir J F.
Burrell, sir C.
Barrett, S M.
Becher, W. W.
Bennet, hon. H. G.
Benyon, B.
Bernal, Ralph
Birch, Joseph
Brougham, Henry
Burdett, sir F.
Blake, sir F.
Chaloner, Rob.
Calcraft, John
Calvert, Charles
Calvert, Nic.
Campbell, hon. J.
Carter, John
Cavendish, Charles
Clifton, visc.
Coke, T. W.
Colburne, N. R.
Concannon, Lucius
Crespigny, sir W. D.
Crompton, Saml.
Denison. W. J.
Denman, Thos.
Duncannon, visc
Dundas, hon. T.
Ebrington, visc.
Ellice, Edw.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fitzroy, lord C.
Folkestone, visc.
Frankland, R.
Guise, sir W.
Gordon, Robt.
Grattan, J.
Gaskell, Ben.
Haldimand, W.
Harbord, hon. E.
Heathcote, G. J.
Hobhouse, J. C.
Honywood, W. P.
Hornby, Edmund
Hume, Joseph
Hurst, Robt.
Hutchinson, hon. C.
Heygate, ald.
James, W.
Johnson, col.
Lambton, John. G.
Lennard, T. B.
Lemon, sir W.
Milton, visct.
Monck, J. B.
Moore, Peter
Moore, Abraham
Newman, R. W.
Newport, rt. hon. sir J.
Nugent, lord
O'Callaghan, J.
Ord, Wm.
Ossulston, lord
Palmer, C. F.
Parnell, Thos
Pierce, Henry
Phillips, George
Phillips, G. jun.
Price, Robert
Pryse, Pryse
Pym, Francis
Ramsden, J. C
Ricardo, David
Robarts, Ab.
Robarts, G.
Rumbold, Mr.
Robinson, sir Geo.
Rowley, sir W.
Russell, lord Wm.
Russell, lord John
Rice, T. S.
Smith, John
Smith, hon. Robt.
Smith, Wm.
Smythe, J H.
Scarlett, James
Sefton, earl of
Stanley, lord
Stuart, lord J.
Sebright, sir John
Swann, H.
Tavistock, marq. of
Taylor, M. A.
Tierney, rt. hon. G.
Townshend, lord C.
Tennyson, C.
Warre, J. A.
Webbe, Ed.
Wharton, John
Whitbread, Sam. C.
Whitbread, W. H.
Williams, Wm.
Wilson, sir Robt.
Wood, Matthew
Wyvill, M.
Whitmore, W. W.

PAIRED OFF

Davies, col.
Plumer, W.

HOUSE OF LORDS.

Thursday, May 10.

GRAMPOUND DISFRANCHISEMENT BILL.] The Earl of *Carnarvon* rose to move the second reading of this bill. He was aware, he said, that many noble lords

objected to the particular provisions of the bill, whilst others were hostile to the whole principle, not only of this bill, but of all measures of a remedial nature, growing out of the evidence given at the bar of the House. He would not, however, enter at any length on the general part of the question, because, by having already passed three acts of parliament of a similar nature to the present bill, and having entertained every bill of the kind which had been presented to them, their lordships would seem to have recognized the principle, that when the House of Commons sent up any such bill as the present, they would hear evidence, for the purpose of regulating their conduct thereby. It would only be necessary, therefore, for him to endeavour to convince their lordships, that the evidence which had been given on the present occasion was sufficient to justify the passing of the bill. Those noble lords who might vote for the second reading of the bill would only pledge themselves to this—that some change was necessary to be adopted in the manner of exercising the elective franchise in particular parts of the country, either according to the words or the spirit of the present bill. None of the evidence which had been given in support of the bill had been impaired by opposing evidence. At the end of the last session, two bills for the disfranchisement of Grampound and Penryn had been sent up to their lordships from the other House; which bills, after all the evidence in support of them had been gone through at the bar, were prevented from being passed by the prorogation of parliament. The noble earl opposite, however, had given it to be understood, that if either of those bills should be sent up from the Commons during the present session, it should be considered to stand on the same footing as when formerly before their lordships. In consequence of this understanding, he had thought it unnecessary to go into the evidence at the same length as on the former occasion. He could state, however, that the evidence on which the Commons had passed this bill was the same as that on which the former bills were founded. The noble earl here proceeded to take a review of the evidence which had been given before the House of Commons, in order to show that it was sufficient to authorize the adoption of the bill. It appeared that fifty out of sixty-three, the whole number of voters, had been influenced in their votes by means of bribes given in the shape of loans, secured by notes of hand, which were cancelled at the end of the election. That the object of the notes was to bribe the voters could not be denied. It was also proved in evidence, that a person who had formerly been mayor of Grampound, had offered to procure a majority of votes upon receiving the sum of 7,000*l*. He had stated these facts to show what had been the general practice of the borough. For this enormous evil the bill provided the most expedient remedy, by increasing the number of suffrages, and extending them to another species of voters. In legislating for the particular case of Grampound, it became their lordships to take a wider view of the question of transfer contained in the bill, and to consider, whether it did not afford a remedy for the evil, if the right of election were given to populous towns. It had been mistakenly said, that Cornwall possessed an undue share of the representation; but the fact was, that though Cornwall had hitherto returned a large number of members through these boroughs, the persons chosen were not connected with that county; they were in reality more the representatives of Manchester and other great trading or manufacturing towns; but if the system of confining the representation to the hundred prevailed, the objection to the state of the representation of Cornwall would then be well founded; for in that case, when other boroughs in the same manner came under the animadversion of parliament, instead of the representation being distributed, as it ought, over the different classes of which the community was composed, the only result would be that of introducing thirty or forty more Cornish gentlemen into the House of Commons. He was not prepared to say that the existing balance of the constitution was the best that could possibly be constructed; but of this he was certain, that no better had ever been tried, or as yet suggested. To give security to a system, it was necessary that it should be pure; and he was therefore most desirous to remove all those blots and anomalies which disgraced the constitution. This, it was obvious, could only be done by timely and prudent reforms. Where, he would ask, was the point at which human institutions ought to stand still? Since the beginning of the world every thing had been subject to change. No

proceeding took place in the legislature which did not, in some degree, alter the state of the constitution. Every inclosure bill their lordships passed had an effect on the existing state of society. The prerogatives of the Crown were daily altering. Was the state of the Crown or of the House of Commons the same as it was a century ago? If their lordships really wished to preserve the practicable identity of the constitution, they must be content to do it by renovation. When all was changing around us, why should one part of our institutions alone remain unchangeable? He was not one of those who wished to innovate on nothing but hopes; neither did he fear to touch the constitution, lest the whole should crumble into ruins. He wished to see direct representation extended to a few of our commercial towns, and those boroughs which had abused their elective franchise, made use of to give it to others.

The *Lord Chancellor* said he would not have risen to offer a word on the present occasion, had it not appeared that the noble earl considered the House pledged to entertain this bill. He therefore felt himself bound to state, that he reserved to himself the right of discussing the principle of the measure, and that he conceived that their lordships were not pledged to any thing by the examination of witnesses, or by any step which had yet been taken.

The Earl of *Westmorland* objected to the bill, both on account of the injustice of its principle, and because it tended to secure indemnity for future offences of the kind of that which it was intended to punish. For when persons who had acted honestly at an election, should find that for giving assistance in bringing the guilty to punishment, they were to be deprived of their own rights, they would no longer be disposed to yield that assistance, without which guilt could not be proved, and corruption might be carried on to any extent without a check. The principle of the measure was inconsistent with the British constitution, and in direct violation of Magna Charta. He contended that no corruption had been charged against thirty-two of the Grampound electors; that the innocent ought not to be punished for the guilty; and that the part of the bill which related to the disfranchisement of Grampound ought not to pass into a law.

The Earl of *Liverpool* wished briefly to state the grounds on which he should vote for the second reading of the bill. Whether his opinion were right or wrong, it was one which he had long entertained: for although in the second session in which he had sat in the other House he had opposed the general plan of reform brought forward, he had supported a bill for removing the elective franchise from Stockbridge. He considered the right of election as a public trust, granted, not for the benefit of the individual, but for the public good. He admitted, at the same time, that it was attended with great advantages to the individuals by whom it was enjoyed; and that was the reason why he could never vote for the disfranchisem of any place on grounds of expediency alone. But, if a case of abuse were proved, on the part of those whom it was intended to disfranchise, then he could have no hesitation in giving his vote. The elective franchise had no analogy to the right of property, though it had some to the rights of their lordships as peers; because they sat in that House, not for their own benefit, but for that of the public, and might be deprived of those rights if they were abused. The same principle might be applied to a borough. If it had abused its trusts by gross corruption, parliament was authorised to deprive it of the exercise of its rights hereafter. The only difference was, that in one case the deprivation would apply to an individual alone, and in the case of the borough, to the whole; the act of a corporate body being for good or bad the act of the whole. If the question were, whether a case of abuse had been made out, on that ground alone he should vote for the second reading of the bill; for, if ever a case of general and systematic corruption had been proved against any borough, it was against the borough of Grampound. He had opposed the bill for disfranchising Barnstaple, because he had not considered the case established to a sufficient extent to justify such a measure. But if ever corruption had been exposed, it was in the present instance.—The usual practice had hitherto been not to transfer the elective franchise, but to extend it to the hundred. In the cases in which that had been done, he had highly approved of the enactment; and if he should adopt a different course on this occasion, it should be only because he did not think that the same remedy would apply. The situation of Grampound made it impossible to

throw that borough open to the hundred without great inconvenience. It was well known that Cornwall abounded with boroughs; but, though there were more boroughs in Cornwall than in any other county, there were not more Cornish members in the House. To throw open those boroughs to the hundreds, would be to make that which was only an evil in theory, one in reality; for it would make the representation more local, and exclude persons from other parts of the country from a participation in it. At the same time, he had a great objection to one part of the remedy proposed. If the elective franchise were transferred to Leeds, the qualification would be arbitrary; for there was no fixed principle on which it could be formed. Some would go on the ground of property, whilst others would be for giving it to all householders, a system of which he had seen too much, not to have discovered the evils which resulted from it, and how liable it was to that very species of corruption which it was the intention of the present measure to punish and prevent. Neither could he approve of a very limited qualification, as it would give an obnoxious character to the bill. He thought it would therefore be better to have recourse at once to broad and fixed principles, which could be done by giving two additional members to the populous county of York. So many difficulties attended the transfer of the elective franchise to Leeds, that he did not see his way out of them; but if two members were added to the representation of Yorkshire, the House would then take and transfer the right of election as it found it, without the necessity of creating any fresh rules or qualifications. But, should their lordships object both to Leeds and to Yorkshire, there was another course which might be still more beneficial. Parliament might, after disfranchising Grampound, authorize his majesty, through the exercise of his prerogative, to order that two members should be returned for any place which he might think proper, or to revive an old borough. The last borough which had been created, that of Newark, had been created by the royal prerogative. This course would obviate most of the difficulties in which the subject was involved, at the same time that it would be perfectly consistent with ancient usage. When a corporation had forfeited its charter, there was nothing to prevent the Crown from reviving that charter, and granting it to another body. The course to which he had alluded would be the same, and he conceived, more unobjectionable than that now proposed. Should it be decided that the prerogative of the Crown should be exercised, the first thing to be done, would be, to select some populous town, and to grant it a charter of corporation, as similar as circumstances would allow to those of our ancient corporate cities. He should only add, that he should feel it his duty, in the committee, to propose that the elective franchise be transferred to the county of York instead of the town of Leeds.

The Earl of *Lauderdale* maintained that no case of general corruption had been established against the Grampound electors, for that out of fifty electors who had been accused, there were thirty-two against whom there had been no charge whatever. To punish the innocent for the acts of the guilty would be a most unjust and mischievous system of legislation.

The Marquis of *Lansdown* regarded the Bill as calculated to command their lordships assent, from the importance of the principle of moderate reform which it involved, and which would tend to perpetuate the constitution, by investing it with the respect and confidence of the people. He was fully convinced, that if the law and constitution of the country recognised the representation of the people in parliament, through the means of corporate bodies, every individual belonging to those corporate bodies must be content to share their fate, and submit to the consequences of their general delinquency. With respect to what had fallen from the noble earl opposite, as to the expediency of leaving the Crown to select the place for which the members should be returned, he begged to protest most distinctly against being involved in any assent to such a proposition. Whether such a course would be conformable or not with ancient usage, he had no hesitation in saying, that since the Union with Scotland and Ireland, it would be a complete innovation upon all that made up the modern practice of the constitution. Though he should prefer granting the right of election to Leeds; yet, should he find the sense of the House against that provision, he would not oppose the transfer proposed by the noble earl opposite, to the county of York.

The Earl of *Liverpool* never meant that the Crown should have the right of

creating new boroughs. What he proposed was, that after the disfranchisement of a borough took place, it should be in the power of the Crown to declare to what unrepresented town or borough the right of election should be transferred.

The bill was then read a second time.

HOUSE OF COMMONS.

Thursday, May 10.

Breach of Privilege—Complaint of the "John Bull" Newspaper.] On the motion of Mr. Bennet, the order of the day was read for the attendance of Thomas Arrowsmith, William Shackle, Henry Fox Cooper, and R. T. Weaver. Mr. Arrowsmith accordingly appeared at the bar, and was examined as follows:

By Mr. Bennet.—Are you the proprietor of the newspaper called the "John Bull?"—I am not.

How long have you ceased to be the proprietor?—Since the 10th of February.

To whom did you give up the proprietorship of that paper?—To Mr. Weaver.

For what consideration?—None.

Was there any agreement, written or verbal, between you, that you were to receive a share of the profits of that paper?—None whatever.

Do you receive any of the profits?—Not any.

Are any of the proceeds paid into your hands?—The weekly profits are paid into my hands.

Do you keep a shop for printing in Johnson's-court, Fleet-street?—I do.

Do you ever reside there?—Never.

Is that the place where the printing of the "John Bull" is set up?—Yes.

Does Weaver give you any compensation for the setting up of the printing there?—Not any.

In point of fact is he not your journeyman?—He is not now in that capacity.

Do you not pay him three guineas a week?—We pay him nothing for "John Bull."

Does he not receive a salary?—He did receive a salary for reading proofs and for printing.

Was the "John Bull" his then?—No.

Are you in the habit of allowing journeymen and others in your employment to set up printing in your shop, on their own account?—It is not my shop in which Mr. Weaver prints.

Is it not on your premises?—There are two houses, in one of them the "John Bull" is set up.

Is that the next door?—Yes.

Who pays the rent of that house?—I do, and Weaver pays me.

What have you received as rent from him?—Nothing, as payment of rent, for I take it out of the proceeds of the paper.

How do the proceeds of the paper come into your hands?—From the publisher.

Who is he?—Mr. Weaver.

Do you say that the proceeds of the paper come to your hands through Mr. Weaver?—Yes, certainly.

All?—Not all; there is the money for the advertisements, which comes through other hands.

Who pays the workmen?—Sometimes I do, sometimes my partner, and sometimes Mr. Weaver.

Do you generally pay the wages of the men?—No.

Then, if any one were to have said that you paid the wages of the men, would he not have stated that which was not true?—I do not pay the wages of the men on the "John Bull" generally; sometimes I do.

If any person had told the House that you did pay them, would he have told that which is not true?—It is not the fact certainly.

Did you employ Cooper as editor?—My partner did.

Who is he?—Mr. Shackle.

Was it done with your knowledge and consent?—Yes.

What salary was Cooper to receive?—Three guineas per week, with the understanding that it was to be increased if the paper got on.

Has he got any increase of salary since?—No.

What induced you to give up the proprietorship of the paper?—The idea that the paper would not succeed, and my being unable from want of time to read over all the proofs.

By Mr. Robert Smith.—Was there no agreement between you and Weaver as to the sum of money on the first communication?—None.

No account to be given?—None.

To whom do the types of the "John Bull" belong?—They are ours.

Was Weaver to receive the profits?—Yes.

If the receipts of the paper were to exceed the expenses, you say Weaver was to receive the profits?—Yes.

If the expenses were to exceed the receipts, who would have to bear the loss—

you or Mr. Weaver?—We should bear the loss.

By Lord Nugent.—Did any written or oral agreement take place at the time Weaver got the paper, as to the compensation he was to pay you?—There was an agreement made.

What were the terms?—That Mr. Weaver was to be the proprietor of the paper: we did not think at that time that the paper would have gone to the height it has; indeed, we thought we should lose by it in the end.

But was there no agreement as to the compensation which Weaver was to pay you if it succeeded?—None.

One prosecution had been commenced against "John Bull?"—Yes.

How soon after this did you give it up?—Shortly after.

In what time after?—About three weeks after.

Was it in as short a time as three days after?—No; it was more.

By Mr. Smith.—How came it that you made so strange an agreement as you stated?—We started the paper, and risked the consequences.

What induced you to enter into an agreement of that sort, by which you could not gain, and might lose?—Because, if the paper did not succeed, it could be dropped.

By Mr. Wynn.—Have you ever paid any thing on account of the profits to Weaver?—Never.

Did you, in the oral agreement, reserve a right to drop the paper when you thought fit?—Yes.

This, you say, was about the 10th of February last?—Some time thereabouts.

Are you sure that it is more than two months?—Yes.

Did Weaver continue with you as a journeyman down to the time of the agreement you speak of?—Yes.

By Mr. Bennet.—Did you ever, after your having given it to Weaver, exercise any control over the articles inserted in the paper?—No; every thing was left to Mr. Cooper.

Did you see the manuscript of the articles which were inserted in the paper?—I might have seen some of them; but I did not read them.

Did you ever see the manuscript of the article in question?—Not before it was printed.

Is it customary to keep the manuscript of articles inserted in the paper?—No.

Do you say it is not the practice in your printing-office?—Yes.

Is it the practice not to keep them in other offices?—I do not know.

Do you not know that the practice in other offices is the reverse?—No.

By Lord Nugent.—Had you any conversation with Weaver yesterday as to the order which he had received to attend?—Nothing more than that he told me he had received the order.

What time did he tell you this?—I think about half past nine or ten in the morning.

Were you alone?—No; I think Mr. Cooper was present.

Are you positive that Cooper was present?—I am not certain.

By Sir R. Fergusson.—When did you first hear that Weaver was ordered to attend this House?—About ten yesterday.

And you then heard it for the first time?—Thereabouts.

And you say no conversation passed between you, except that Weaver told you he was ordered to attend the House?—None whatever.

Were you present in this House yesterday evening during the examination of Weaver; and did you hear any of the questions asked?—I was not present, and did not hear any of the questions.

Have you had any communication with Weaver on the subject since yesterday?—Of course, on his coming to the office, I could not but ask him what had happened.

The witness was now ordered to withdraw, and, on the motion of Mr. Bennet, W. Shackle was brought to the bar and examined.

By Mr. Bennet.—Are you the proprietor of the paper called the "John Bull?"—Not now.

How long is it since you ceased to be the proprietor?—I believe in last February: I think about the time I had the honour of waiting upon you, sir.

What was the occasion of your having given up the proprietorship of the paper?—I candidly confess the idea of a prosecution was not pleasant.

Did Weaver make any compensation to you for the paper?—No, I asked for none.

Is he to make any hereafter if the paper should be profitable to him?—No.

Then you surrendered your share of the paper to him without receiving any remuneration at all?—None at all.

What situation did Weaver then hold?

—He had been in my service for some time.

In what situation?—As overseer.

What was his salary?—Two pounds a week for doing one thing or another.

What does he get now?—Three guineas a week.

What does he perform for this?—He has the superintendance of the paper.

What paper?—The "John Bull."

What! do you pay him for the superintendance of his own paper?—It is all his own.

But then why not give all the profit to him, if it is all his own—what do you do with the rest?—We give him three guineas a week of his own: he gets the remainder when the accounts are settled, because he is sole proprietor.

But why pay him only a part of his own?—Because three guineas is all that is necessary now: he will have the balance hereafter.

How do you know he gets three guineas a week; who pays him?—Sometimes I pay him, sometimes Mr. Arrowsmith, and sometimes he pays himself.

Who receives the profits?—Sometimes Arrowsmith, and sometimes I myself, in trust for Weaver.

Have you no account current with Weaver, for whom you hold those profits in trust?—There are the books open to Weaver, and he may see the payments.

Who keeps those books?—Mr. Arrowsmith or myself, as occasion may happen.

Who is in possession of them?—There are two books at the office: I believe they are now lying on the desk.

I speak of the book of accounts current, in which are entered the monies received for the "John Bull?"—There are two; one, of the monies received; and another, of the monies paid for stamps and other disbursements.

To whom are the debts and credits entered?—There is no debtor and creditor account: there is only a plain statement of the receipts and expenses.

Are you in the habit of looking at the manuscript of the articles inserted in the "John Bull" before they are printed?—Sometimes I do see them.

Did you see the manuscript of the article in question?—I do not know that I did; I might or might not. The articles for insertion generally go from Mr. Cooper to the compositor.

Do you examine any of the manuscripts sent to the office of the "John Bull?"—Sometimes.

Do you take upon yourself to say, that you did not see the manuscript of the paragraph in question before it was printed?—I cannot recollect; but I am quite clear that I did not read it till it was in print.

Did you appoint Cooper to be editor?—I did.

What was to be his salary?—Three guineas per week.

Is there any other editor?—No.

Was there ever any other?—Never.

Has he the sole management of the paper?—Yes.

Does he examine all the manuscripts before they go to the compositor?—Yes, and after they are printed.

Do you consider Cooper responsible to you?—He is responsible to Weaver.

Is he to you?—He is responsible to Mr. Weaver. When we transferred the paper to Mr. Weaver, we transferred the services of Mr. Cooper also.

At the time that you had the paper, did you consider Cooper responsible to you?—I considered myself as chiefly responsible, as my name was given at the Stamp-office.

Who pays Cooper?—Sometimes Mr. Arrowsmith, sometimes Mr. Weaver, and sometimes I pay him.

Then it appears that Weaver was not to pay all expenses?—Not so.

How then?—Mr. Weaver is to be paid the balance when there is any; till then we keep it.

Who keeps it?—Mr. Arrowsmith and myself.

By Mr. Robert Smith.—If a loss should accrue on the paper, on whom would it fall?—On Mr. Weaver.

Are you quite sure of this?—Yes.

Was that the agreement?—It was.

Did Mr. Arrowsmith know of that on making the agreement?—Yes.

Then you say that if the income were to exceed the expenditure, Weaver was to have it?—Yes.

And if the expenses were to exceed that income?—I dare say the paper would not go on.

By Sir J. Boughey.—When you made the proprietorship over to Mr. Weaver, did you conceive he had a right to drop the paper or continue it as he might think fit?—I conceived that he might do as he pleased in that respect. I had nothing more to do with the paper; although I started it, and may be considered as the father of it.

By Lord Nugent.—I think I understood you to say, that some part of the outgoings of the paper were borne by you up to this time? — Out of Mr. Weaver's money.

Do you occasionally pay the journeymen and other persons who are employed? —For Mr. Weaver.

Does Mr. Weaver ever pay them himself?—Not always.

Has he ever paid them? — I think he has paid Mr. Cooper sometimes.

Do you happen to know how often he has paid Mr. Cooper?—Not exactly.

More than once or twice?—I think he has.

By Sir R. Fergusson.—Has Mr. Weaver been employed by you for any other purpose than in printing "John Bull?" — I do not employ Mr. Weaver in printing "John Bull."

Did you not employ Mr. Weaver to print "John Bull" while you were the proprietor? — Yes, while I was the proprietor.

Did you at that time employ him for any other purpose?—Yes, in my employment generally, as overseer.

Are any of the journeymen employed in printing "John Bull" employed by you in any other part of your business?—When there is such an influx of matter that Mr. Weaver requires assistance, we lend him some men.

When those men are lent to Mr. Weaver, does he pay any thing for their labour?—Of course. They are paid so much an hour.

Has Mr. Weaver ever paid any sum to you on account of those men? — They are among the several disbursements in the books, and the amount will be accounted for in the balance.

By Lord Nugent.—The question asked you is, whether, when you lend any extra men to Mr. Weaver, he pays you for the loan?—The money is not paid; but it is among the disbursements in the books.

By Sir W. De Crespigny.—In what capacity do you consider yourself as standing to Weaver, agent or trustee?—As his friend. I presume it is common for one man to take care of another man's money.

Were you in the habit of taking care of Weaver's money before "John Bull" was transferred to him?—He had then a certain salary; he has now three guineas a week for his present maintenance, and expects at the end of the year, or of the half year, the balance, if there is any, to be paid him of the profits.

You have not answered the question. Were you in the habit of taking care of Mr. Weaver's money before "John Bull" was transferred to him?—I presume he is capable of taking care of his own money.

The *Speaker* said, the witness would do well with regard to the House, and would make a better impression with respect to himself, if he would deliberately attend to the questions put to him, and then give direct answers to those questions.

Mr. Shackle begged pardon if he had offended the House; but observed, that he was rather deaf, which sometimes prevented him from hearing the questions exactly.

Were you in the habit of taking care of Mr. Weaver's money before the "John Bull" was transferred to him?—No.

Have you given Weaver any security for the safe custody of his money?—None at all. I was never asked.

What are the journeymen employed in printing "John Bull" occupied about in the early part of every week?—They are occupied in what is called distributing, and preparing for the next publication.

On the motion of Mr. Bennet, Mr. Cooper was then called to the bar, and examined.

By Mr. Bennet. — Are you the editor of the Sunday paper called "John Bull?" —I am.

How long have you been so? —From its commencement.

Are you the sole editor?—I am.

Are all the manuscripts which are sent to the paper for insertion submitted to you?—They are all submitted to me.

[The clerk was here directed to place in Mr. Cooper's hands the "John Bull" of Sunday last, with the objectionable paragraph marked].

Was that article submitted to you before its insertion?—Part of it is an extract from "The Courier." The observations were written by myself. The House will, perhaps, allow me to add that I now understand the facts stated in that paragraph are not true. I am extremely sorry to have done any thing offensive to the hon. gentleman, and which is considered a violation of the privileges of the House. I believed, from general rumour, that the facts contained in those observations were true, or I would not have inserted them.

Whom did you talk to on the subject? —To nobody.

From whom did you receive the facts which you stated?—From general rumour.

What do you mean by general rumour?—I heard it mentioned in the office.

By whom?—I heard it mentioned by Mr. Shackle and Mr. Arrowsmith, as generally current.

Did you hear it from any one else?—No. During the whole of Saturday I was in the office.

Then, on the general rumour mentioned to you by Mr. Shackle and Mr. Arrowsmith, you wrote the paragraph?—Exactly.

The paragraph is headed, "We have been requested to republish," &c. who requested you?—No one.

Then that part of the paragraph is not true?—No; nor the latter part, as I now understand.

Are you in the habit of inserting paragraphs of this description, on the authority of Mr. Shackle and Mr. Arrowsmith?—I am in the habit of receiving intelligence from various persons, and from them among the rest.

But you inserted this paragraph on their authority alone?—Yes, believing that the facts were correct.

Did they see the paragraph before it was printed?—No; the paper was gone to press before I saw them again.

Did they know the paragraph was inserted?—No, they did not.

Whom do you consider as the person in the office to whom you are to account for your conduct?—To account for my conduct!

Yes, who is your master?—Mr. Weaver.

Who employed you as the editor?—Mr. Shackle and Mr. Arrowsmith.

Have you any thing to do with the receipt and payment of money?—No.

Who pays you?—Mr. Shackle and Mr. Arrowsmith. I once received my salary from Mr. Weaver.

But you generally received it from Mr. Shackle and Mr. Arrowsmith?—Generally.

By Sir R. Fergusson.—Was the paragraph in question written in your own hand-writing?—The greater part of it was.

Have you it in your possession?—I have not.

What has become of it?—The paragraphs and all the other articles are given by me to the compositors. What becomes of them I do not know. I believe they are destroyed.

Do you know if the paragraph in question is destroyed?—I believe it is.

In the office of the "John Bull" newspaper, are all the paragraphs of this nature destroyed after they are printed?—I know nothing of them after they are given out of my hands.

To whom do you deliver them?—To the printer.

What is his name?—Blackey.

Did you hear the examination of Mr. Weaver yesterday?—No.

Where were you when the warrant was served at your house last night?—In the city. I was at Cornhill at half past eight, and went home afterwards.

Did Mr. Weaver communicate to you that he had appeared here?—No.

Did any person communicate it to you?—No person.

When did you know it?—I knew it yesterday.

At what time?—In the afternoon.

Did you see Mr. Weaver yesterday after his examination?—No.

Did you see him this morning?—Certainly.

You have stated, that if you had known the paragraph to be untrue, you would not have inserted it. How came you then to insert the first part of it? "We are requested to republish," &c. knowing it to be untrue?—It is a usual way to introduce a paragraph to say, "we are desired to say," or, "we are requested to say."

Have you told Mr. Arrowsmith or Mr. Shackle, that you intended to avow yourself the author of this paragraph?—Yes.

When?—To-day.

At what hour?—I cannot tell exactly.

Did they inquire of you who the author was?—They spoke of it in conversation generally.

By Lord Nugent.—You have said that the latter part of the paragraph was in your hand-writing. In whose hand-writing was the former part?—It was an extract from the "Courier."

The whole of the remarks were in your hand-writing?—Yes.

In whose hand-writing was the extract from the "Courier?"—It was in print.

Then you occasionally send to the press of the "John Bull," printed copy from the "Courier?"—Yes.

By Mr. Macdonald.—Was any body present at the time you told Mr. Shackle and Mr. Arrowsmith that you intended to avow yourself the author of the paragraph?—Nobody.

Not Mr. Weaver?—No.

When there is any doubt as to the safety of inserting a paragraph, to whom do you refer it?—The whole of the literary management of the paper is confided to me.

Do you mean to say that you consult with nobody on the propriety of inserting any paragraph that may appear hazardous?—With nobody.

Does Mr. Weaver continue to discharge the same duties with respect to the paper, as he did previously to the month of February?—Yes, he does.

By Lord Nugent.—Did you ever see Mr. Weaver at your own house?—No.

Did you ever receive any note, letter, or other written communication from Mr. Weaver, addressed to you at your own house?—None.

Did you ever tell Mr. Weaver where you lived?—Never.

By Dr. Phillimore.—Did Mr. Weaver know before his examination yesterday, that you wrote the paragraph in question?—I do not think he did.

When was it you first communicated with Mr. Weaver on the subject of the paragraph? Was it before his examination here?—I do not exactly recollect when it was.

The witness was ordered to withdraw.

Mr. *Bennet* said, they had now arrived at the close of the examination into a subject, the necessity for bringing which forward no one regretted more than himself; although he had felt that he could not, in the discharge of that duty which every man owed to his own character and to the House, abstain from doing so. The House had now had before it, the printer, proprietor, publisher, and editor of the paper; the latter of whom had avowed himself the author of the paragraph in question. He would say nothing of the falsehood displayed, of the perjury exhibited, of the shameful evidence given by these mere creatures of straw, in the disgraceful exhibition which the House had witnessed. Nor would he say any thing of the character of the paper with which they were connected. Its merits (if he might use the expression) were well known to the whole country; and there was but one opinion among honourable minds, namely, that it could receive its support only from persons of the basest, vilest, and most infamous nature. He repeated it, that let those persons be whom they might, they could be none but the basest and lowest of their species. It was those by whom such a publication was patronised and supported who deserved the severest reprobation. It was not of those who took pleasure in such slander, and delighted in such circulation, that he spoke. That was unhappily but too general a taste. It was of those who gave to it their immediate assistance and support. The objects which he had had in view in this investigation were, first, to clear his own character; next, if possible (although he hardly ventured to think that he should succeed in that object), to extract from the wretches who had appeared at the bar, who the persons were who employed them, and who furnished the funds for assailing the character of others. In that last object he had failed. He could not say that he much regretted this; and, indeed, he would rather believe, if it were possible to believe, that those wretches were the authors of the libellous matter of that publication, than that it proceeded from any other quarter. He knew very well that by the rules and practice of the House, in breaches of privileges of this or of a much less serious nature, there was one course generally adopted, namely, at once to commit the offenders to Newgate. Since, however, he had had the honour of a seat in parliament, he had held and professed but one opinion on the subject of those summary judgments. That which he had stood up to oppose in other cases, he certainly would not maintain in his own. He knew well that real obstruction of the proceedings of the House was a breach of privilege which ought to be immediately punished; but he was by no means prepared to say the same of a constructive obstruction. Therefore, however he might differ from others who were perhaps better able to pronounce on the subject than himself, yet his heart, if not his judgment, told him, that there was only one course which he ought to pursue, namely, to give these people an opportunity of making the best of their case before a jury of their country. He would therefore move, "That Mr. Attorney-general be directed to prosecute Henry Fox Cooper, William Shackle, Thomas Arrowsmith, and Robert Thomas Weaver, for a false and scandalous libel on the Hon. Henry Grey Bennet, a member of this House, contained in a paper, intituled, "John Bull," dated Sunday, May 6, 1821."

The Marquis of *Londonderry* assured the hon. member, that no one regretted more than he did the breach of privilege

of which he had so justly complained. In the course of his observations he would shortly point out what he conceived the most proper course to follow, under all the circumstances of the case. His opinion was, that it would be expedient to wait another day, before they came to a decision upon this question. He felt convinced that the hon. member was the last man in the House who would give his assent to any vindictive or harsh proceeding; and, on the contrary, that he would be the first to concur in the course now proposed. The hon. member was certainly placed in a situation of much delicacy and difficulty. He had stated that, in pursuance of a theory of his own (which was repugnant to the forms of the House), he would move a prosecution by the attorney-general. Now, he did not mean to say that there were not cases in which such prosecutions were directed by the House; but he must maintain, that in this instance it was not the most proper way of vindicating the character and privileges of parliament, to send these persons before a jury loaded with the condemnation of such an assembly as that. The hon. member might certainly have moved a prosecution by the attorney-general when he first brought the subject before the House; but, was that the proper course, now that a person, after examination, had confessed himself to be the editor of the paper? There was no instance in which such a prosecution had been directed by the House, after having proceeded so far in the examination of the parties, and after those parties had disclosed that which would be a part of their case before a jury. He was not prepared to say how the House ought to dispose of this case, and therefore he proposed delay. He was sure the hon. member himself would regret that the House should hastily determine upon any thing harsh. He proposed, therefore, that the proceedings should be stopped till the House should be prepared to act when they took the redress of the grievance into their own hands. He would move, therefore, "That the debate be adjourned until to-morrow."

Mr. *Wynn* said, that unquestionably if it required time for further consideration to dispose of the motion, he would not dispute that the discussion ought to be adjourned. But he thought it due to the House to state, that he was prepared to meet the question for directing the attorney-general to prosecute with an immediate negative. It would be unjust to the defendants and to the House to take that course. The offence was a misrepresentation of their proceedings. The publication misrepresented the speech of the hon. member. It represented that the hon. member had made an apology, not from conviction of error, but from fear of the consequence. The heaviest part of the offence could not come before a jury. Whether it was false or true, was a question which the jury could not enter into. It would be impossible for a jury to inquire into the truth of the representation. Members of that House could not go before a jury to prove what they said in that House. He could not consent, except upon the very strongest grounds, to depart from the usual practice of the House in such cases—the exercise of the privilege of commitment. He thought that, as an editor of a paper was now clearly brought before them, they ought to proceed against him *instanter* by a commitment for contempt; for no doubt could be entertained of their having, like every other court, a right to proceed in cases of contempt by prerogative. When the House had disposed of the editor, it would then become them to decide what measures they should adopt with regard to the other individuals who had been brought before it; and, indeed, when the gross prevarication of which they had been guilty was taken into consideration, he thought that the House ought to deliberate, whether that prevarication did not deserve their serious attention, and whether they ought not to commit them for it, rather than for the original breach of privilege with which they had been charged.

Mr. *Bennet* said, he might hold particular opinions, and differ from most of his friends upon this occasion; but he should be sorry to employ against these individuals those powers which he had denounced as improper when exercised against others. He had made his proposition under the idea that it was the most lenient measure which could be adopted towards the offending parties.

Mr. *Brougham* observed, that as he considered the present question to be one of more than ordinary importance, he should make no apology for addressing a few short remarks to the attention of the House. With regard to the idea of leniency towards these parties, he laid it entirely aside, and left it to the House to

deal with them as it might think proper. To justice, however, they had a right; and so too had the House for the protection of its privileges, which would be at an end for ever, and upon all questions, if it were to follow the advice of his hon. friend. He would not say that there was no case in which it might not be more fitting for the House to proceed by prosecution at common law than by commitment; but this he would say, that if the present case was not one in which they were entitled to commit, there was no instance on record in which the right of commitment had been properly exercised. In his opinion, the present was as gross a breach of privilege as had ever been brought under the consideration of parliament: it was as palpable an obstruction to the free and unbiassed exercise of the privileges of each individual member of parliament, as could be conceived by the imagination of man: it stood upon all the grounds on which former breaches of privilege had been declared such by the highest of authorities in the best of times; and unless the House was determined to abandon every point on which their ancestors had insisted, he could not consent to negative their proceeding in the usual mode by commitment. Besides this observation, he had another which he wished to press upon their attention. It was impossible to deny that if they intended to proceed against the parties by prosecutions at common law, they ought to have been more abstinent in their questions, and to have stopped far short of that point to which they had now arrived in their examination. For what had they already done? They had, in the exercise of their high authority, called upon certain individuals under the terror of immediate punishment to criminate themselves, and to state in that House facts which elsewhere might be turned into evidence against them. He was not prepared to say that there might not be cases in which evidence given at their bar might be made use of as evidence elsewhere; but even allowing there were such cases, the present, he maintained, was not one of them. For himself, he could not help observing, that he should conceive the House to be guilty of a gross abandonment of its privileges, if it committed the further prosecution of this charge to the attorney-general. He was likewise opposed to the proposition made by the noble lord for the adjournment of this debate, unless it were made with a view of giving further consideration to the evidence of the other persons who had been called to the bar. With respect to the person who either was the author, or had taken upon himself the authorship of the offensive paragraph, he could see no reason whatsoever for delay, as there could be no doubt of the line of conduct which the House ought to pursue regarding him: upon that point, therefore, he should certainly vote against the proposition of the noble lord.

Sir *Francis Burdett* said, that in the exercise of the power of commitment, which the House claimed as its undoubted right and privilege, he had on former occasions differed most widely in opinion from a large majority of it; and the more he considered the matter, the more was he convinced, that the House seldom interfered in questions of privilege without reducing itself to some awkward dilemma or another. He fully coincided in opinion with the noble marquis, that it was impossible for the House to agree to the institution of a prosecution by the attorney-general against these individuals, after having sifted and examined them in the most inquisitorial manner, by a process which, at the very best, was equivocal, and which would be most unjust and intolerable, if it were to send them for trial to a jury with a decision of that House against them, and with sufficient evidence taken from their own mouths to substantiate their guilt. This appeared to him to be an insuperable objection to the mode of proceeding proposed by the hon. member for Shrewsbury; but, in addition to this, he had another, which he would shortly submit to their consideration. The advocates of that mode of proceeding were not consistent with themselves in proposing to order the attorney-general to prosecute. The attorney-general, he begged leave to remind them, was not an officer under the orders of the House: he was an officer of the Crown; and, being such, should they wish him to prosecute, they ought to commence by proposing an address to his majesty—which he was of opinion they would think highly objectionable—that he would give directions to that officer to institute a certain prosecution in defence of the privileges of the Commons of England. Besides, the distinction between privilege and power was this—that privilege was a shield of defence against power, and that power was a weapon of attack upon the rights of others.

The best mode of supporting privilege was by opposing it to unjust power, and not by using it as an instrument of attack upon those who fell under the just displeasure of its possessors. Even in the times when it was most necessary to support the privileges of that House, he should have considered the mode of proceeding now proposed to be most objectionable. For, in the first place, he must confess that he did not perceive that any privilege of the House had been violated. The House possessed no privilege by which it could legally preclude the publication of such writings as were then before it. As far as he could see, no breach of privilege had taken place, unless it were a breach of privilege to make a false report of a speech delivered in that House. But, the paragraph in question was not a false report of what had occurred in the House, but of what had occurred out of it. Unless, therefore, it was a breach of privilege to censure the actions which a member of parliament might commit out of the House, he did not see in what manner they could interfere on the present occasion. If any breach of privilege had been committed, it was by the person, whoever he was, who thought it requisite, though that part of the story had been contradicted, and contradicted, as he believed, with the utmost truth—to call upon a member of parliament to account for expressions which he had felt it necessary to employ in his place in that House. It would be a most daring breach of privilege if a member was liable to be called upon by the relatives of men in official situations to account to them for the language which it might be their painful duty to use against such characters. If any individual thought that members were to act under that species of intimidation, it would be necessary to convince them to the contrary by the exertion of their privileges, and to defend themselves by them from such attacks, in the same manner as they defended themselves by them in former days from the intimidation of the Crown, which, fortunately for the country, had long ceased to have any existence. He fully agreed with the noble lord that the mode of proceeding now proposed was highly unjust, and added that he had no doubt that the hon. member for Shrewsbury would be disposed, by his innate sense of justice, not to press a proposition upon the House which was likely to be so detrimental in its future consequences.

Mr. *M. A. Taylor* thought that the evidence which had been given that day and the day before ought to be printed; for such gross prevarication, and such wicked contempt of every thing like truth, ought not to be allowed to pass over with impunity. He should therefore move that the minutes of evidence should be printed.

Mr. *Baring* suggested, that if the case were to go before a jury, it would be highly improper to print the minutes of evidence. If the House should be of opinion that no adjournment was necessary—and that was his own opinion—he did not think that any doubt could exist as to what it was requisite to do with the editor of the paper. After they had disposed of him, the House could adjourn the debate regarding the proceedings against the others. If the noble lord would withdraw his amendment, he should have no objection to propose that Henry Cooper be committed to Newgate.

Mr. *Wodehouse* submitted to the House and to the hon. mover, whether the real character of the House was not likely to suffer by seeking to support its privileges against such mere men of straw as had just appeared at their bar. Malevolence and misrepresentation was the price which every member was obliged to pay for his seat in that House. He therefore entreated the House to consider whether the exercise of its privileges by commitment would not appear extremely questionable to the great majority of the people, when put in force against such creatures. For himself, he believed there was not a single provision in any of the six acts against which certain gentlemen opposite had declaimed so much, so odious to the nation as was the questionable power of committal for breaches of privilege.

Sir *R. Wilson* said, that his hon friend was making an attempt to drag to light the miscreant, the base and dastardly assassin, who, under the protection of the press, had been waging a savage and unrelenting war against the weak, the defenceless, and the oppressed. Whatever might be the issue of the attempt, the gratitude of the House was due to him for having made it. As many members had withdrawn under the idea that an adjournment was to take place, he thought they had better not decide upon the important point of placing one of their fellow subjects in confinement, until they should be able to take the sense of a larger House.

Sir *T. Lethbridge* conceived the paragraph complained of to be a gross breach of the privileges both of the House and of the people, and returned his sincere thanks to the hon. member for having brought it before the notice of the House. The paper which contained it had, for some time past, been dealing forth its malignity, in a manner which was disgraceful to the press, injurious to morality, and inconsistent with the existence of society. He had himself felt disagreeably situated from the misrepresentations of other prints, and had frequently been on the point of bringing them under the notice of parliament. If he had abstained from so doing, it was from the sovereign contempt in which he held every thing that could fall from the editors of them. If an inquiry were to be proposed into the general state of the press; which had grown up into a fearful engine of mighty mischief, he should have no objection to support it. In saying this, he did not mean to deny that the press had also been productive of great practical benefit; and yet, unwilling as he was to trench upon its general liberty, he could not shut his eyes against the dangers which its licentiousness was calculated to create. With regard to the point, whether the debate should be adjourned till to-morrow, or finished that evening, he felt perfectly indifferent. If, however, the dignity of the House was to be considered, he thought it would be better to meet the question at once. Having had the parties before them, and heard their repeated prevarications, he thought the sooner they proceeded against the person who had avowed himself the author, the more they would consult their honour and true dignity.

The question of adjournment was then agreed to; and Henry Fox Cooper, William Shackle, Thomas Arrowsmith, and Robert Thomas Weaver were ordered to attend to-morrow.

Scots County Representation.] Lord *A. Hamilton* said, that when he had given notice of this motion, he had flattered himself that it would attract the attention of members; but he thought he should act unhandsomely in the present state of the House, by giving the appearance of solemn discussion where solemn discussion there was not; and he should do violence to his own feelings and to the interests of the persons concerned, and act in a way not creditable to the House, if he entered at length into the state of the representation of Scotland, in a House which it was rather his duty to count than to address. He could not hope, under existing circumstances, that he should be sufficiently supported in the division; and although he was not disposed to treat the House or the Speaker with the slightest disrespect, he felt it due to his constituents not then to go at length into the subject, and to do little more than to move his resolutions. He could not act the farcical part of attempting to argue a question on which persons then scattered about the town would be called on afterwards to vote. He could not command the time of the House as he could his own, and therefore he could not then name another day for the discussion. The noble lord then stated, that it appeared by the certified copy of the freeholder's roll which had been laid on the table of the House, that the total number of voters for all the counties of Scotland, was 2,889. But it was well known that a great number of persons, especially those who held the paper superiorities, voted over and over again for different counties, so that the 2,889 would be reduced to not probably more than 2,000 real voters. On this simple ground, he called on the House to pledge itself to take the county representation of Scotland into its consideration in the next session, for the purpose of effecting some increase in the number of voters, and creating some necessary connexion between the right of voting and the landed property of Scotland. He had stated thus briefly the grounds of his resolutions, and he should now move,

1. "That it appears, by a certified copy of the roll of freeholders of every county in Scotland, as last made up, laid before this House in July 1820, that the total number of persons having a right to vote in all those counties together, did not exceed 2,889.

2. "That, by the same return, it appears that the greatest number of persons having a right to vote in any one county did not exceed 240, viz. for the county of Fife; and that the smallest number did not exceed 9, viz. for the county of Cromarty.

3. "That it further appears from the same return, that the same persons have a right to vote in several counties, and consequently that the total number of voters for all the counties in Scotland is considerably less than 2,889.

4. "That it further appears to this House, that the right of voting for a Scotch county depends, not on the possession of the *dominium utile* of a real landed estate in that county, but on holding the superiority over such estate, which superiority may be, and frequently is, disjoined from the property, insomuch, that of all the persons qualified to vote for a Scotch county, there may not be one who is possessed of a single acre of land within the county, while the whole of the land may belong to, and be the property of persons who have not a single vote for the representative.

5 "That this House will, early in the next session of parliament, take into its most serious consideration, the state of representation of counties in Scotland, with a view to effect some extension of the number of votes, and to establish some connection between the right of voting and the landed property of that country."

The first resolution being put,

Mr. *Mackenzie* said, that he could not consent to vote for any abstract proposition, or even for the matter of fact stated in the resolution just put from the Chair, knowing that it was to be followed by others intended to form the basis of practical measures. He complained that the noble lord had not at all stated his motives, and had given the House no arguments to enable it to arrive at any conclusions. He contended, that the alteration of system contemplated by the noble lord would not materially augment the number of freeholders, and that it would be a direct violation of the Union, by one of the articles of which Scotland had stipulated, that she should have the unrestrained choice of her own representatives. A strong case, indeed, ought to be made out to warrant so flagrant a breach of public faith. He was certain that the noble lord was no friend of universal suffrage—that he had no sympathy or communion with its supporters; but the reform he contemplated was most important; and the least that might have been required was, that some opinion should have been expressed by those whom the change was intended to benefit. Hitherto, however, not a single meeting had been held, from which that opinion could be ascertained. He thought that the noble lord had treated the House somewhat contemptuously by the mode of proceeding he had adopted, and should meet the resolution by moving the previous question.

The previous question was then put on the first four resolutions and negatived. On the last resolution, the House divided: Ayes 41; Noes, 57: Majority against the Resolution, 16.

List of the Minority.

Blake, sir Francis	Martin, J.
Bennet, hon. H. G.	Milton, lord
Boughton, R.	Newman, R.
Barham, J. F.	O'Grady, S.
Bury, lord	Orde, W.
Calcraft, J.	Palmer, F.
Crompton, S.	Parnell, sir H.
Crespigny, sir W. De	Phillips, G.
Dalrymple, sir H.	Pryse, Pryse
Ebrington, lord	Price, Rob.
Fergusson, sir R.	Ricardo, D.
Gordon, R.	Rumbold, E.
Grattan, Jas.	Rickford, W.
Guise, sir W.	Smyth, J.
Gaskel, B.	Tierney, rt. hon. G.
Griffith, J.	Tennyson, C.
Hume, Joseph	Taylor, M. A.
Langston, G.	Webb, col.
Mackintosh, sir J.	Whitbread, S.
Maberly, John	TELLERS.
Monck, J. B.	Hamilton, lord A.
Maxwell, J.	Abercromby, hon. J.

STEAM ENGINES BILL.] On the order of the day for the third reading of this bill,

Mr. *M. A. Taylor* said, that if the House would but consider the bill worthy of their consideration, they would afterwards find that it was calculated to do much good, without producing any mischief. He hoped that in the next session, he should be able to submit to a committee a plan for the reduction of smoke in every town in England. Mr. Parks, a gentleman of distinguished talents, had proposed an apparatus, which would be found of the utmost utility. He was sorry he did not see in his place the hon. member for Liverpool, that he might state to him a circumstance which had recently occurred in that town. An indictment was actually brought, in order to abate a nuisance occasioned by great bodies of smoke which were suffered to escape in a particular neighbourhood; the case was referred to the consideration of an eminent barrister, and that gentleman had recommended to the complaining parties the use of Mr. Parks's apparatus. The apparatus was accordingly tried, and, after that trial, the parties who had so loudly complained, had come forward

and stated, that they were satisfied the nuisance had been abated.

The bill was read a third time, and passed.

Bank of Ireland Bill.] The Chancellor of the Exchequer moved the order of the day for the second reading of this bill.

Mr. *Maberly* said, if he understood the bill correctly, it was to enable the company of the Bank of Ireland to increase their capital to a certain extent, and to allow a greater number of individuals to embark in any one private banking concern than was now permitted in Ireland. The right hon. gentleman, as an equivalent for suffering the Bank to extend its capital, was to borrow 500,000*l.* until the year 1838, at 4 per cent interest. This he had represented as a measure of economy to the country; but, so far from being economical, it was one that would create considerable expense. For several years past, various sums of money had been negotiated with the Bank of Ireland, although it was not the cheapest market for that purpose. In fact, at the very time when the government were paying 5 per cent interest for money borrowed in Ireland, they were procuring sums from England, at the rate of 3 and 4 per cent per annum; so that the Bank of Ireland, instead of having done the public business for nothing, as had been alleged, was receiving a large *bonus*. Considering the demands the Bank of England had to pay, the sum received by the Bank of Ireland was much larger. The Bank of England received 270,000*l.* for the payment of the dividends to the public; and he would be able to prove that, in five years, the Bank had received a *bonus* of 241,000*l.* in consequence of the rate of interest at which the right hon. gentleman had borrowed money from that body.

The *Chancellor of the Exchequer* said, that the present, as a mere pecuniary transaction, required no defence. It was borrowing 500,000*l.* for 17 years, at 4 per cent. subject to all contingencies that might affect the money market. But the principal object he had in view was, to enable Ireland to carry on the banking system with greater advantages than she at present enjoyed,—an object which he thought it was worth attaining, even if some pecuniary loss were sustained.

Mr. *Hume* said, that if the interest of money increased to 5 or 6 per cent, the bargain would be advantageous; but, if it remained stationary, the country would be burdened with an unnecessary expense of one per cent.

Mr. *S. Rice* said, the subject ought not to be viewed as a matter simply of a pecuniary nature. It ought to be considered as an effort to call into action the natural advantages of Ireland. The measure, as far as it went, would, he was convinced, be one of unmixed benefit to that country.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, May 11.

Breach of Privilege—Complaint of the "John Bull" Newspaper.] On the motion of Mr. Bennet, the adjourned debate on the motion "That Mr. Attorney-general be directed to prosecute Henry Fox Cooper, William Shackle, Thomas Arrowsmith, and Robert Thomas Weaver, for a false and scandalous libel on the hon. Grey Bennet, a member of this House, contained in a paper intituled, 'John Bull,' dated Sunday, May 6, 1821,' being resumed,

Mr. *Scarlett* rose. He began by assuring his hon. friend that, in dissenting from the motion which he had submitted to the House, it was not because he lightly estimated the attack which had been made upon his character. That character he well knew, and no man could estimate the character of another more highly than he did that of his hon. friend; but there were various objections which he had to the mode of proceeding pointed out by his hon. friend. His first was, that it would not be in accordance with strict justice, first to extract evidence from parties which might afterwards be urged against them in a court of justice; and he also objected to it, because he did not think that the House ought to order prosecution in that way, in a case which ought not so much to be considered an attack on an individual member, as a violation of the privileges of the House itself. Now, he would not be understood as undervaluing the privileges of the House, if he did not use them on light occasions. It appeared to him, that the true ground on which this question ought to rest, was that of a breach of the privileges of the House, by the publication of what passed there, or

what was alleged to have passed there, with comments, made with the intention of injuring the character of an hon. member. It was not necessary for him to say that the debates of the House were not published with its consent; they were, however, suffered to be sent before the public, and, in his mind, that permission was attended with great public utility; for he believed that faithful reports of what took place in that House were attended with the greatest advantages to the country, to Europe in general, and to the House itself, and therefore he never would object to the continuance of a practice which had prevailed, as he conceived, with such good effect, for many years before the close of the last century. But then the House should, as it did, hold in its hands the immediate power of correcting any abuse of such permission, by unfair reports, but most of all by wilful misstatements. If the House found that an erroneous report was sent forth with a view to injure the character of any member, or of the House itself, then he conceived it would be justified in visiting the party so acting with the severest punishment; but then he thought it should be for the breach of privilege with such bad intention, and not for a libel on the House. Such libels were generally made so by construction, and he was, and ever should be, an enemy to constructive libel. But, being thus a breach of privilege, the only question would be, in what way should the party be punished? Now, he considered that this was the legitimate ground on which to view the case of the persons who had been called to the bar of the House on the present occasion. What was the nature of the article complained of? It insinuated that an hon. member of that House had been terrified into an apology. He had known his hon. friend for years; and those who knew him longer, or who knew him at all, would join with him in saying, that nothing could be a more atrocious attack on his character than such an insinuation. It might fall to any man in the heat of debate to be misreported; and, from the imperfect manner in which what was said was sometimes given, to have expressions attributed to him which he never used, nor intended to use. Now, if such were the case, and if those expressions were calculated to give pain to any individual, so far from its being dishonourable to disavow them, he would hold it to be the duty of a gentleman, immediately on his becoming acquainted with the fact, to remove that pain by such disavowal of what had been done by the malice or ignorance of a third party. He stated this broadly—true honour or true courage ought not to be afraid of doing that which became a gentleman. That such was the conduct of his honourable friend was acknowledged by all; but that the reverse was insinuated by the paper in question no person could deny; and therefore he considered the paragraph as a most gross and wilful attack on his hon. friend, and a breach of the privileges of that House. Indeed, he considered that the House ought to feel obliged to his hon. friend for having brought the matter forward. He had read the paper since this question came before them, for he had not seen it previously; and he was fully satisfied that some means ought to be resorted to, to find out the author of the article. He was the more anxious on this subject, because reports had gone abroad, and were very generally believed, that persons high in rank, and worthy (if such persons could be at all so considered) of a seat in the councils of the nation, were lending to this publication their full countenance and support. When such, then, was the belief abroad, he thought his hon. friend was doing but justice to the House itself, to give it an opportunity of refuting the assertion, if it could be refuted, that such men held a seat amongst them. After an examination, and the hearing of the evidence, such as it was, they had a person before them who avowed himself the author of the article in question. Upon that avowal they were bound to go; and indeed, for his own part, he could scarcely bring himself to believe that any man who had the honour of a seat in that House could be the author of such an article. Under all the circumstances of the case, he could not think that it was one which the attorney-general ought to be directed to prosecute; for he could not consider it as an attack on the House, but as a breach of privilege, by publishing a debate with improper motives. Though he thus differed from his hon. friend, he was not prepared to submit any other motion as an amendment. He should sincerely wish that his hon. friend would withdraw his motion; if he persisted in it, he, however reluctantly, must feel it is duty to oppose it.

Mr. *Bennet* said, that he had felt it his duty to bring the subject before the House,

first in justice to his own character; and next, with the view, if possible, of finding out the author. The House having discussed the matter, and having voted the article a scandalous libel, he thought he should best discharge his duty by giving the parties an opportunity of defending themselves; which they would have, if the matter went to trial, but which they could not enjoy if another course was pursued. The view which he took of the matter might be erroneous, but it was a conscientious one; at the same time, he was not insensible to the objections to such a mode of proceeding. He knew that the House might allow the evidence taken before them to be adduced in a court of law, and that they might withhold it if they pleased; but still he knew it would be an advantage to the prosecutor to have it on his brief. Personal feelings he could have none against the parties who had appeared at the bar; nor was he disposed to press any thing against the wish of the House: he would therefore withdraw the motion he had made, leaving it to the House to dispose of the matter as it pleased.

Sir *R. Fergusson* said, he was glad that his hon. friend had withdrawn his motion. For his own part, he would not wish to punish any of the individuals who had appeared at their bar; and if any hon. member should make a motion to that effect, he should feel it his duty to oppose it. At the same time, he was satisfied that his hon. friend was perfectly right in having brought the matter before the House. He had done so to justify his character; and, though that was unnecessary to all who knew him, yet no one would deny that a man must feel extremely hurt at having his honour and his courage called in question. As to the persons who had been summoned to the bar of the House, and whose prevarications the House had heard, no one could believe a word of the account they gave. Their characters were exposed, and sent forth to the public; and it was his opinion, that that would prove their punishment, for the good and thinking part of the community would believe what they should write, in future, to be as false as what they had stated in that House. His only wish was, that the real author of the article in question could be discovered. It was, indeed, a new era in the history of this country to see a paper flourish which had been started to blast the character of virtuous and innocent women, and it was an era still more new to find such a paper supported as it had been. He wished to God he could believe that the worthless men who had appeared at their bar were the real authors of the paragraph complained of, and of others which had appeared in that paper; but there were certain articles inserted in it which led him to believe that they could not be the authors, but that the authors were some base and cowardly assassins, who, from birth and other adventitious circumstances, mingled in that society to which they were a disgrace. He trusted in God that they would yet be found out. He believed that they would be so; and, in that case, he had no doubt they would meet with the chastisement which they so richly merited.

Mr. *Baring* said, that the hon. member for Shrewsbury had left the House in an awkward situation, not by withdrawing his motion, but by not submitting some other in its stead. He was most happy to do justice to the feelings which actuated the hon. member, but he considered that unless the House were put in a condition to assert its own privileges by punishing its violation, the complaint should not have been made. It should not be supposed that the House would not vindicate itself, nor be suffered to go abroad to the public that any unworthy man might attack it with impunity. He fully agreed with his learned friend that the sending the matter to be tried by a court of law would not be a fit proceeding; for, when it got there, it might become a question, whether the case could be punished. The House might, in that case, be open to many attacks; and after they had declared any matter to be a libel and a breach of privilege, it would be awkward to have a court and jury declaring that the House knew nothing at all about it, and that the matter charged was no libel. But, though he could not consent to have this question sent to a court of law, still he did not think it could rest where it now stood; and therefore, however painful it was to him, he felt it his duty to interfere, and, seeing that no other member was disposed to do so, he would suggest what ought to be done. He was one of those who thought, that not only the debates of that House ought to be sufficient to go forth to the public, but that great freedom should be allowed in discussing the public characters of members of that House; for he considered that such indulgence was attended with the greatest

benefits to the country, and the character of the House itself; therefore he would be extremely jealous of any interference with the press on either of those grounds. But in the case before the House, they had such a gross fabrication as could never be supposed to arise from mistake. There might, and there often were, mistakes arising in the reports, from the great difficulty of hearing what passed; but, in such cases, no intention to misrepresent could be said to exist. Here no such allowance could be made; and no doubt could exist as to the intention of the parties. They had now a person who avowed himself the writer of that article. Cooper had avowed himself as its author; and, without now saying whether the real author was not behind the curtain, he maintained, that the House was bound to punish the person who so avowed himself. He would therefore move that Cooper be committed to Newgate. After that should be disposed of, he would move that Weaver, the printer, be also committed to Newgate; for he might have given up the editor if he had chosen, while he was under examination before the House. As to the other persons who had been examined, though he would say that they had by no means conducted themselves with credit in the evidence they gave, yet, as he had not examined their evidence minutely, he was not prepared to make any motion respecting them. If, however, the debate with respect to them should be adjourned until their evidence should be printed, the House might be better able to form a judgment on it. In conclusion, the hon. member observed, that if on other occasions any similar question should arise, the House would not be swayed by his hon. friend's ideas of privilege. He then moved, "That Henry Fox Cooper, who has confessed himself to be the author of the said paragraph, be for his said offence committed to his Majesty's Gaol of Newgate."

Sir *W. De Crespigny*, in seconding the motion, maintained that his hon. friend had not left the House in an awkward situation by the manner in which he had acted. His hon. friend had done that which was necessary to protect the House and the character of members from being attacked by a set of base assassins; and if the House could not come at the base beings who lurked behind the screen, they ought to punish those unworthy men who allowed themselves to be made their instruments in such cowardly practices. He was extremely sorry that the real authors could not be discovered.

Lord *Nugent* was sure the House were greatly indebted to the noble marquis for the motion of yesterday evening, which gave them all an opportunity of coming to a decision upon this question, in a more calm and deliberate manner. He could not agree to the motion of his hon. friend, the member for Taunton, and would therefore propose an amendment. He could not agree with his hon. friend, that the House was in a dilemma, from which it could extricate itself only by committing Mr. Cooper to Newgate. He begged to bring to the recollection of his hon. friend, and of the House, the circumstances attendant, in the early part of the session, on a breach of their privileges of a much more important and dangerous character than the present. The House could not have forgotten the complaint made by his right hon. friend the member for Waterford, of the address from the Presbytery of Langholm, which had been published in The Gazette. That address contained a direct invitation to his majesty to interfere with freedom of speech in that House, and to notice certain speeches which had been delivered in it—an invitation which, if his majesty had complied with it, would have placed him in a situation, with relation to that House, in which no sovereign of the country had been placed since Charles the First. A grosser or more flagrant breach of the privileges of that House could not be conceived than the address to which he alluded, in comparison with which any attack on the character of an individual member sunk into utter insignificance. What was the course adopted by the House on that occasion? A motion was made for the attendance of the printer of The Gazette, but it was withdrawn on the noble marquis's making an apology and explanation on the part of the secretary of state. He might feel that the House, in the course which they adopted on that occasion, most dangerously compromised their own character; but he could not help thinking that as they had passed over, and winked at an attempt to induce his majesty to attack the dearest privileges of the House, it would be most ungracious and severe to visit with punishment the poor, wretched, prevaricating printers and publishers who were guilty of nothing but of having allowed themselves to be made

the instruments of concealed, sculking, and infamous assassins of character. He would therefore move, as an amendment to the motion, to leave out all the words after the word "offence," for the purpose of adding the words, "taken into the custody of the Sergeant at Arms, in order to his being brought to the Bar of this House and reprimanded by Mr. Speaker," instead thereof.

The Marquis of *Londonderry* hoped that he had explained himself sufficiently yesterday, to mark that, while he was anxious to avoid any breach of the general principles of justice and the sound administration of the law, especially in abstaining from extracting from the accused evidence to be subsequently used against him, he was not insensible to what the privileges of the House required, and that the person who violated them ought to be visited with the indignation of the House, and with a punishment, in which, however, justice ought to be tempered with mercy. He had no wish for the adoption of any course but one, in a spirit which should show that the House maintained evenhanded justice towards all parties, and that no consideration of a private or particular nature should turn the House aside from the vindication of their privileges in one case, and not be allowed to operate in another; and here, he must observe, that he lamented extremely, that an individual so distinguished in his profession as the hon. and learned gentleman opposite, an individual who must be supposed to bring into that House the innate principles of justice that belonged to the profession, of which he was so brilliant an ornament, should permit himself to insinuate that the libellous attack in question proceeded from some unnamed and unknown quarter, as if wishing to inflict a wound on some person or other, whom the speculation of the world might have pointed out as implicated in the subject. The hon. and learned gentleman would forgive him for saying, that in his opinion it would have been better, on the present occasion, to have abstained from the introduction of any such remarks. He lamented also what had fallen from a gallant general of a similar import. He could assure that gallant general, that no man could feel greater indignation than himself at any unjust attack on virtue in women, or honour in men, let it proceed from what quarter it might; and that no man would be more tenacious of those qualities. If the gallant general supposed, therefore, that he was disposed to tolerate any such attack, or that he did not feel all the indignation which it was calculated to excite, he was very much mistaken. He should certainly have been happy if, at a time when torrents of libels were poured forth against individuals as valuable as the hon. member who was the object of the present, a manly and British spirit of indignation had manifested itself on the other side of the House against those infamous attacks, and in support of our most sacred institutions. But he could not much respect that warmth which was called forth only by attacks on friends, and which was wholly dead to attacks on political enemies, or on the most valuable institutions of the country. He had made these observations, because he was anxious that the House should adopt a moderate and impartial course. He would now call their attention to the proceedings of the 15th of June 1819, which, when he sat down, he should request the clerk to read. At that time there had been an attack on a right hon. friend of his (Mr. Canning) not now present in the House, most painful to his feelings, as it imputed to him a disposition to ridicule the sufferings of his fellow creatures, derogatory from every sentiment that ought to animate human nature. He did not then find any anxiety on the other side of the House to punish the offender by a committal to Newgate, and in fact he was committed to the custody of the serjeant at arms. The present offence could by no means be considered as more flagrant than the one to which he alluded. He thought they would let down the privileges of the House, if they did not adopt some proceedings with respect to the persons who had been called to the bar; but he was not prepared to go the length of committing them to Newgate. Immediately to reprimand and to discharge them, appeared to him to be too mild a proceeding, and to commit them to Newgate too strong a one. He could assure the House that he was so little inclined to tolerate such publications, that he was by no means disposed to show more charity on the present occasion, than even-handed justice required. He should have had no hesitation in voting to commit those persons to Newgate, had it not been for the lenity, well or ill-advised, which was exhibited in the particular case to which he had al-

luded. Under these circumstances, he thought it would be the cause of great misconception, if a more severe course were adopted on the present occasion, although he certainly thought that to remain in custody of the serjeant at arms for one night would not be too severe a punishment for the offence.

The clerk then read the entry on the Journals of the 15th June, 1819, to the effect that John Payne Collier, having been guilty of a libel on the House, should be committed to the custody of the Serjeant at Arms.

Mr. *Scarlett*, in explanation, observed, that he would not have troubled the House were it not for the allusions made to him by the noble marquis; but as those allusions had been made in so direct and pointed a manner, he trusted the House would allow him to make a few remarks upon them. And first, he would observe, that if any thing could give rise to a charge of party feeling on this occasion, it was the tone and manner of the noble marquis. He most solemnly protested that no spirit of party feeling had actuated him upon this question; on the contrary, nothing was farther from his mind during the whole discussion. He had made the observations objected to by the noble marquis, from having heard it rumoured out of doors, that the paragraph in question had been written by a member of that House. He had heard no name mentioned; nor did he believe the statement; on the contrary, he had distinctly said, that the motion of his hon. friend had vindicated that House from such an aspersion. If this was an imputation upon any hon. member, then he did not understand the purport of his own language. He assured the noble marquis that he never had the slightest intention of casting such aspersion on any honourable member, or of treating the subject as a party question. If any thing was calculated to demonstrate a party feeling, it was what had occurred after he had concluded his speech. For himself he would say that he was the last man that could think it endurable to express political and party feelings by libels on individuals. He thought that one who wrote for a party, be it what party it might, was not on that account to be condemned. But attacks on private character for party purposes, ought to be visited with the common detestation of both parties. If there were a design to write down the liberty of the press, the author of the paragraph in question might be the person to execute the design, on the principle that the abuse of any privilege was the surest mode of destroying it. Libels had been punished as high treason by Augustus, on the very ground of an individual, Cassius Severus, having written libels on illustrious women in Rome. This fact was mentioned by Tacitus. He said this, recollecting that an hon. baronet had last night insinuated that he should not be sorry to see a committee sitting to regulate the liberty of the press. He hoped that neither the writers in this paper, nor in any other, would have the power of occasioning the appointment of such a committee. With respect to the libel on a right hon. gentleman alluded to, he had not been in the House on that occasion; but whether that case was parallel to the present, let the House judge: he understood that the case alluded to had been a misrepresentation of a speech ["No, no!"] He took it to be a misrepresentation of proceedings in that House; but the man who wrote the present libel meant more than misrepresentation. It smelt of blood. If an individual had a design to bring parties to a hostile meeting, he could not have invented a better expedient. That was all he would say upon the parallel. It seemed that the indignation provoked on this occasion was to be repressed, because the House had not been sufficiently prompt on other occasions. If gentlemen would read and countenance only those papers that were the freest from private libels, they would consult both their own dignity and the public interest. He did not read many newspapers; he had not time to read many; and those he did read, were the freest from private libels. The noble lord must pardon him for saying that he was not capable of making or relishing imputations on individuals. The case to which the noble lord had alluded was not to be compared to this case. It must have been placed in comparison with this case, with the view of throwing ridicule on the present complaint. Yet, in that case, had he been in the House, and a motion had been made to commit to Newgate, he would have voted for it.

The Marquis of *Londonderry* expressed his regret, that any expressions of a warm character should have escaped him in the course of the debate, but he felt the less upon it, as it had drawn forth the very satisfactory explanation of the hon. and learned member. From the nature

of the observations used, he thought that an aspersion was likely to be cast, either upon the councils of his majesty or the council of the nation. He confessed that he had spoken under this delusion; but it was now entirely wiped away by the hon. and learned member's explanation. What he meant to say in the first instance was, that the House in its decision should not give a party character to its proceedings. He could not, however, allow the distinction drawn between the present and the former libel. In point of fact, the former libel led to an explanation between his right hon. friend and the hon. member to whom the words complained of were imputed, and might, under different circumstances, have led to consequences of an equally serious nature.

Sir *R. Ferguson* rose to explain. The noble lord had in his first speech imputed political motives to him upon this occasion. This he positively denied. Where the noble lord got his omniscience as to the motives and feelings of other men he could not guess; but he thought the noble lord had better look to his own feelings and motives upon this question. He had spoken upon this subject from honest feelings of indignation at seeing the foulest calumnies published against the women of this country. He trusted the noble lord and the House would coincide with him in reprobating this new system of attack upon the women of the country.

The Marquis of *Londonderry* wished the gallant general would express the same indignation when other hon. members were attacked.

Mr. *Wynn* observed, that the noble marquis had selected the very weakest case of precedent on the Journals. In all cases of privilege, the honour and character of the House were alone to be looked to. It was said, that libels were become more frequent; but this, in his opinion, was the very reason why the punishment should be made more severe. He had seen in papers belonging to both parties, libels which were disgraceful to the country, and to those who administered public justice, for allowing them to pass unpunished. The noble marquis had relied on a case which occurred two years ago. He could not say any thing in mitigation of that case; he thought it a most flagitious libel, and one which called for a much severer punishment than that with which it had been visited. Here the hon. member entered into a description of the libel. The author, when called to the bar, admitted the fact, and stated that he had done so by mistake. He (Mr. W.) had felt it impossible that the person could be so much mistaken, but several members thought differently, and a member now in his place behind him, had stated, that he had heard something like what was charged as a libel, and that a person at a distance might be mistaken. This had gone in mitigation of punishment, and he did not wish to move any amendment, seeing the temper of the House at the time. But he had observed, at the time, that they were proceeding without a proper consideration for the dignity and character of parliament. This was then his opinion, and his conviction now was, that they had encouraged libels by the lenity shown on that occasion. He knew there were many who thought that he had too great a predilection for precedents; but if they were to regulate their conduct now by the weak precedent alluded to by the noble marquis, the people would say that the House had determined the punishment of a breach of privilege to be imprisonment in the custody of the serjeant at arms. And if this was once done, would it, he asked, be worth the while of any member to bring a breach of privilege before the House? He was aware that mistakes must take place in publishing the debates, from the disadvantageous situation in which the persons who reported them were placed. But he must say, that he had seen, and that lately, wilful misrepresentations in the public papers, particularly in the comments on the debates. But in this case they ought to look, not to the general character of the paper, but to the particular libel complained of. If the House felt concerned that they did not punish the last libel with more severity, and if they were to act upon that precedent upon the present occasion, the privileges of the House, the character of its members, and the liberties of the people, which were closely interwoven with both, would suffer, and that most fatally.

The Hon. *J. W. Ward* could not conceive that any thing could be more dangerous than that an impression should go abroad that it was safer to attack gentlemen on one side of the House than upon the other. He entertained a high respect for the character of the hon. member for Shrewsbury; but he entertained quite as high a respect for the character of his

right hon. friend, the member for Liverpool. In consequence of what had occurred in the House last night, his attention had been attracted to the libel which had been published upon his right hon. friend; and he had in consequence that morning copied out the words in which it was couched. The House would recollect the circumstances under which those words were stated to have been spoken. The hon. member for Aberdeen was stated to have said—in consequence of some laughter which it was conceived that he had seen on the ministerial benches—"Ministers might laugh, but let them look at the other side of the picture; let them survey the misery of the poor laborious, industrious wretches at Carlisle, or even of the unhappy beings they meet in our streets; and he believed that there would be found but one man among them who would still keep a smile upon his countenance, and that would be a smile of congratulation from a right hon. gentleman (Mr. Canning), that by habitually turning into ridicule the sufferings of his fellow-creatures, he had been able to place himself so far above their unhappy condition." He did not mean to enter further into the particulars of that case; but he must say, that he never recollected to have seen a more false, atrocious, or scandalous libel than that which was contained in the paragraph which he had read, or one that was a more indirect instigation to blood. Atrocious as the present libel was, it was less atrocious than the libel to which he had just referred, inasmuch as it referred to a peculiar fact—the other, to the whole life of his right hon. friend. A man of honour was obliged to a calumniator who accused him of any one particular action, inasmuch as that action might either be denied or explained away; but an attack upon a man's general life admitted of no such defence, and could not be met by any satisfactory refutation. If he were to be called upon to strike a balance between the two outrages, he must declare that he should feel it more unpleasant to be the subject of the first than of the latter libel. On this account, he thought that the House, in justice to the character of his right hon. friend, ought to adopt the milder course of proceeding. He knew that some gentlemen were of opinion that the punishment inflicted in the last case was not severe enough; but he begged leave to remind the House that it was passed *nemine contradicente.*

Lord *John Russell* said, that with respect to the punishment which it was fitting to inflict upon the authors of libels upon that House, he should not venture to hazard any opinion, except it were, that in all such cases the least punishment that was inflicted was the best. With regard to the libel which had been just read to the House, it ought to be recollected, that the right hon. member for Liverpool had used the expression, "the revered and ruptured Ogden;" and that there was considerable laughter in consequence. Owing to that circumstance many gentlemen accused him of being in the habit of turning into ridicule the sufferings of his fellow-creatures. He did not mean to say that such an accusation was just; he meant only to say, that it was an accusation frequently made against the right hon. member. He recollected that when the House inquired into that libellous paragraph, the person who wrote it came forward to acknowledge himself the author of it, and stated that it had been written by him in mistake, and that the House credited his statement, conceiving him to have put down that which he had not accurately heard. He did not, however, rise for the purpose of repeating those facts to the House, but for the purpose of entering his protest against the doctrine of the noble marquis, that he and the friends with whom he had the honour of acting were in the habit of giving their countenance to libels, similar to that which was contained in the paper called "John Bull." He would allow that severe political reflections had recently appeared in many of the newspapers; but he could only pity the noble marquis's want of discrimination of moral feeling, if he confounded attacks upon private character with fair political hostility and animadversion. The one could be answered; the other could not. A person might, for instance, charge the noble marquis with having ordered persons to be flogged to death, or tortured during his administration in Ireland. The noble marquis could disprove this; he might appeal to the whole of his public life as a contradiction to such a statement; but, suppose the character of any female belonging to the noble marquis's family were to be publicly attacked, would he, though the insinuation was as false as hell, feel it sufficient that her innocence could be proved, by unveiling and laying before the public the whole of her private life? However pure the character of a woman might

be, yet there was a delicacy in the female character which made them shrink from public notice; and, though a woman were convinced of the falsehood of the charge against her, yet she would feel a repugnance to have her character brought forward and discussed in public. He could not entirely acquit the noble marquis and his friends of having given encouragement to this publication; for he had heard that when "John Bull" was first published, copies had been sent to our ambassadors abroad. Now, it was well known, that no newspaper could go abroad postage free, unless sent through the medium of government; if this was done, it alone was giving encouragement to the paper. He had no hesitation in saying, that if ministers or their friends took in this paper and paid for it [a laugh], he had no objection to a person's meeting and reading the paper; but, he repeated, that if they took in the paper and paid for it, they were paying their money in support of moral assassination.

The Marquis of *Londonderry* interrupted the noble lord by stating, that, if we heard him correctly, the noble lord's information about our ambassadors at foreign courts seemed to be as correct as his information respecting Irish politics. Where the noble lord got his information he did not know, but he could inform him, that it was a rank and egregious calumny. If the noble lord would point out to him a single individual in his office, who had sanctioned the circulation of this paper by sending it to foreign courts, he pledged his honour that he would dismiss that individual immediately. With regard to the defence of the female sex which the noble lord had volunteered, he hoped the noble lord would have no objection to admit him as his rival in it; for he did not feel inclined to devolve upon that noble lord, or upon any other person, that duty which he owed to the sex, in common with every other man of honour in society. He could assure the noble lord that he had no intention to justify the present libel—on the contrary, he looked upon it with extreme indignation; all that he had done was, to compare it with paragraphs not less infamous, with attacks not less malevolent, which had appeared in other papers, arraigning interests the most sacred, and insulting the personal character even of majesty itself. He should like to know whether the noble lord had never taken in the publications of Mr. Hone. He had never heard the noble lord express any indignation against them, though he did recollect that his noble brother had, upon one occasion, reprobated them with a warmth that did him honour. But he would quit that subject; for he should be sorry to end a speech, which he had only commenced to repel an unjust attack upon himself with an attack upon any other person. He could only say that he looked upon libels that attacked the life and character of the sovereign as not less atrocious than those written against female honour and purity.

Mr. *W. Courtenay*, after stating that he wished to call the attention of the House to the true question before it, proceeded to implore it to be consistent in its conduct, and to deal out the same measure of justice in this as it had done in a former instance, if it conceived the cases to be at all parallel. He could not hope to add any weight to the indignation which had been so justly expressed against the language used in this publication; but he thought the House was going out of its way in entering into any discussion on the general conduct of any newspaper, when they had before it a paragraph which was at once a violation of the privileges of the House, and a libel upon one of its members. He conceived it to be the duty of the House to consider whether the case which had been so often referred to, was analogous to the case then before it. In his opinion, the analogy was perfect. That being the case, he thought the House ought not to allow itself to be carried away by the indignation which it felt at the general conduct of the "John Bull" newspaper, but should adopt the course recommended by the noble marquis, in justice not only to the House itself, but to each of its members individually.

Lord *John Russell* said, that as he had never read Mr. Hone's publications, he did not think the point which the noble marquis had started regarding them worth discussion. He had never taken them in; but he believed they were all of a political nature, and not subversive of private character.

Mr. *W. Smith* said, that as he was for the severer punishment on this occasion, he felt it necessary to say a few words upon it. He was one who thought that the greatest latitude ought to be allowed to discussions on public men and public measures; so much was he of this opinion,

that he would never vote for calling the printer or publisher of a paper to the bar for a political libel. But when the grossest personal attack was made upon private character, an attack which smelt of blood —when it was stated that an hon. member of that House had told a falsehood, through fear, it became their duty to punish such conduct in the severest manner: when it was recollected that this attack might have produced a bloody and murderous quarrel, there was no punishment too great for such abominable depravity. He did not mean to defend the libel upon the right hon. member for Liverpool, and if he thought that the individual who wrote it had done so wilfully, he would have voted for his punishment. But he did not believe that he wrote it wilfully; from his knowledge of Mr. Collier's character, he was assured of the contrary. But in the instance before the House, the person confessed at the bar that he had wilfully written the libel, and that too upon the rumour of the persons by whom he was employed. The case respecting the report of the speech of the right hon. gentleman, was in every respect different from the case before the House. But it was said, that because the party before the House was a mean, dirty, prevaricating wretch, he should therefore have been excused. He was surprised to hear such an argument urged. It was, he believed, the first time that it was asserted, that a lesser degree of punishment ought to be dealt out to a party, because that party had been guilty of the most gross and indecent prevarication. He certainly would vote for the severer degree of punishment.

Mr. *Hutchinson* could not allow the present question to proceed to a vote, without entering his protest against the comparison which had been made between two parties without the slightest justice whatever. To make such a comparison was to confound innocence with guilt, was to confound the individual who had intended to wound with the individual who had unintentionally wounded, was to confound great respectability of character with all that is mean, despicable, and infamous. Let the House look at the two cases. Mr. Collier was connected with a most respectable establishment in the city —an establishment as useful and as beneficial as any establishment in the country, and little liable to charges of wantonly wounding private feelings. It was an establishment accustomed to take up and advocate with success and disinterestedness every thing connected with the interests of the state, and the first elements of the constitution. [Coughing].—The gentlemen who had compared Mr. Collier's case with that of Mr. Cooper had been guilty of great injustice, and he trusted that it was not their intention to exercise their privileges in such a manner as to do injury to any individual. The cases, he maintained, were most dissimilar. Mr. Collier appeared at their bar, and his conduct, whilst there, had created in the House a strong feeling in his behalf. There was nothing like prevarication on his part; his conduct was fair, open, and manly. He never saw any individual in any situation whose behaviour was more becoming than that of Mr. Collier at the bar of that House. He accounted fairly and rationally for the mistake which he had committed. He said that he did not mean any offence either to the gentleman whose words had been misrepresented, or the gentleman whose conduct had been impugned. An expression which the right hon. member for Liverpool had used had made an impression on the public, which, whether it was right or wrong, was not very much to his credit. At the time the hon. member for Aberdeen was speaking, there was a noise in the House occasioned by cries of "hear, hear." Mr. Collier, not having himself exactly heard the words of the hon. member for Aberdeen, appealed to a stranger for information. Believing the information which he had received to be correct, and also believing that the right hon. member for Liverpool was in the House, he had written the paragraph in question. Such was the case of Mr. Collier; and he must say that, in his opinion, there never was a case in which an individual was more innocently involved than that gentleman. Allowing this, he must at the same time admit that he had, with the most innocent intentions, involved Mr. Hume in considerable difficulty. But, could this be said of Mr. Cooper? He was far from wishing for any vindictive punishment on this occasion; and, indeed, had only risen to express the indignation which he felt at hearing the case of Mr. Collier so unjustly compared with one to which it bore no comparison.

Mr. *Wilmot* said, he should give his vote for the infliction of the severer punishment. He thought the analogy which it had been attempted to establish be-

tween the two cases had been completely destroyed, by the fact that an hon. member had laboured under the same misconception with regard to what had fallen from the right hon. member for Aberdeen as Mr. Collier. He must protest against the House coming to any vote upon this question on any other grounds than those afforded by the abstract paragraph in question. They had nothing to do at present with the general manner in which the "John Bull" was conducted.

Sir *T. Lethbridge* denied that he had ever asserted that the press ought to be submitted to a committee of the House. All he had said was, that it was high time for the House to mark its disapprobation of the gross libels daily circulated.

Mr. *Baring* added, that his only motives for persevering in his motion were, that the privileges of the House might be vindicated, and the guilty party duly punished. With regard to the case supposed by some to be analogous, he must say that he saw little or no resemblance between the two. That which occurred two years ago was merely a misrepresentation; but the one now under consideration contained a statement entirely fictitious.

Mr. *Bankes* requested the noble marquis to withdraw his amendment. The House had committed a gross error in the precedent quoted; and he begged to add that he had been a reluctant party to it.

The Marquis of *Londonderry* replied, that an appearance of as much unanimity as could be procured was desirable; and on that account he would withdraw his amendment. He was free to confess, that he thought it better to break than to observe the precedent.

Sir *J. Mackintosh* submitted to his noble friend, whether he would not withdraw his amendment, the noble marquis having already complied with what appeared to be the general wish of the House. He thought it one of the most unfortunate symptoms of the present times, that several most respectable members had, on the present occasion, expressed what he could not but consider a groundless and fatal doubt regarding the right of asserting the privileges of parliament, which constituted, in fact, one of the main securities of the subject. He had looked into the publication in question; and, from what he had seen and heard, he was satisfied that it pursued a system of savage hostility to individuals, tending to barbarize political contests, and to deprive them of that manly and candid character which had hitherto distinguished them above all others in the great commonwealth of the world.

Lord *Nugent* said, he would not resist the general wish of the House by persevering in his amendment.

Mr. *Brougham* said, that as the case of Mr. Collier had been so much alluded to, he rose to state his recollection of the circumstances. The case of Mr. Collier was not one of wilful misrepresentation. When called to the bar, his manner made a very favourable impression. The consistency of his statement was also considered, and there was the evidence of a member of that House, that, to the best of his recollection, the hon. member for Aberdeen had made use of words similar to those which were reported by Mr. Collier. If he thought Mr. Collier had been guilty of putting into the mouth of a member of that House malicious falsehoods, in order to gratify his own malignity, for that was the charge against the young gentleman, no consideration of lenity would have induced him to vote in that case for a lesser punishment. The case of Mr. Collier was entirely different from the case before the House. Here there was nothing to exculpate the party; on the contrary, there was the absence of every extenuating circumstance. He should therefore vote for the more severe punishment.

Lord *Nugent* said, that though he withdrew his amendment in deference to the House, he did not at the same time surrender his own opinion.

The question being then put on Mr. Baring's motion, "That Henry Fox Cooper, who has confessed himself to have been the author of the said paragraph, be for his said offence committed to his majesty's gaol of Newgate," the House divided: Ayes, 109; Noes, 23.

List of the Minority.

Astley, J. D.	Innes, J.
Barrett, S.	Johnstone, col.
Bernal, R.	Martin, sir B.
Burrell, W.	Monck, J. B.
Burrell, sir C.	Moore, P.
Bury, lord	Nugent, lord
Chaloner, R.	Tavistock, lord
Crawley, S.	Ward, J. W.
Downie, R.	Wemyss, J.
Graham, S.	White, L.
Grosett, J. R.	TELLERS.
Harbord, hon. E.	Fergusson, sir R.
Hume, J.	Hobhouse, J. C.

After the division,

Mr. *Sturges Bourne* said, he thought the House was placed in an embarrassing situation, in being called upon to punish persons for what they had done in the course of an examination at the bar into their private concerns. That examination had been carried further than he had recollected the House ever to have gone before; and had it not been for the obloquy attached to such an interference, he should more than once have stood up for the protection of the witnesses against questions tending to criminate themselves. Besides this, many members could not be prepared to vote on this part of the question, not having been present during the whole of the evidence. In order to enable them to form a judgment, the evidence ought to be printed; but he was prevented from voting for making a motion to that effect, from a conviction that a great part of the examination had been of so indiscreet a nature on the part of the House, that it would not reflect much credit upon it.

Sir *J. Mackintosh* expressed his deep regret that the right hon. gentleman, for whom he entertained the highest respect, had been induced to make the statement just heard: it amounted to this—that during the long examinations that had taken place on this subject, which he thought derogatory to the House and oppressive to the individuals, he had sat still, without urging any objection, on account of the obloquy and unpopularity he might incur: he had permitted the House, in his judgment, to disgrace itself by the course it had pursued, because he did not choose to run the risk of an unjust imputation. It was deeply to be lamented that a member so endowed should have made such a statement. He would protest against this reference of the order of their proceedings to that of other courts. They were alone to be governed by the *lex et consuetudo parliamenti.* His right hon. friend had pointed out no departure from that law, in the course of the examination which had been pursued: had there been any departure from it, the proceeding would have been stopped by their enlightened director. But if his vigilance had for a moment slumbered, there were, no doubt, other members well versed in the practice of parliament who would have interposed, and prevented any departure from the rules of justice. Why had not his right hon. friend interposed, and prevented their sinking into the abyss which had, it seemed, opened for them, instead of waiting until it was too late to redeem their character? He did not find fault so much with his right hon. friend's opinion now, as with his previous silence, when he might perhaps have averted the stigma which he supposed they had incurred. He must therefore vindicate the proceedings of the House from his right hon. friend's imputation upon them, and even vindicate his right hon. friends from the reason which he had assigned for his silence upon the occasion to which he had referred.

Mr. *S. Bourne,* in explanation, said, that what he had stated was, that in the unpleasant situation in which the persons at the bar were placed, being called on to acknowledge their own criminality, the House had gone too far in the examination. All he should have thought proper to do, and all that had usually been done in such cases was, to get at the legal liability of the persons called on to answer for their offence, and having done that, to abstain from all questions tending to aggravate their criminality. He had urged that they should consider the circumstances under which the prevarication took place; for really, as to the libel, they did not prevaricate. The printer had stated, for instance, that he had nothing to do with the literary department. But many questions were asked him which were not relevant: a noble lord had asked him, what he had to do with "The Traveller?" Another hon. member had asked, whether he had any money at his banker's? These questions as to private affairs were unwarrantable. He had on former occasions made the same objections to the latitude of examination pursued in the House.

Mr. *Scarlett* agreed that limits should be set to the examination of individuals: but, in the present instance, he conceived the course of the examination to have been proper; for Weaver having given an answer respecting the property of the paper, which gave the House reason to suspect that he prevaricated, it became necessary to pursue that examination farther.

Sir *W. De Crespigny* said, the House had proceeded on the true principles of justice and in support of their privileges. The questions which had been put, led directly to the real merits of the case.

Lord *Nugent* said, he had not asked

the witness respecting "The Traveller;" but the name of that paper was used by the witness himself in his answer.

Mr. *Wynn* agreed, that no questions ought to be unnecessarily put to a witness for the purpose of aggravating his offence: but, though he could not defend every question which had been put, he thought the questions alluded to might have proved material.

The Marquis of *Londonderry* observed, that if the discussion was to be continued upon the comparative testimony of the witnesses, it would be better to have the evidence printed, and the decision deferred. This was a case in which the House ought to avoid incurring the charge of precipitation.

Mr. *Denman* was not prepared to vote all the witnesses guilty of prevarication, without having the evidence previously printed. He had voted for sending the editor to Newgate, because he had heard what he said at the bar of that House.

Mr. *Bernal* admitted that the House was in possession of the power of committing for breach of privileges; but they should not fritter it away by exerting it on light occasions; and he thought it would have been well if, after the member for Shrewsbury had vindicated his honour, which had been most unjustly aspersed, the matter had been dropped.

Mr. *W. Smith* had no objection to the printing of the evidence, if any further proceedings were deemed necessary; but, for his own part, he thought that a sufficient number of members were present who had heard the evidence of the parties, to come now to a decision upon the fact of their prevarication. He would therefore withdraw his motion, and move, instead of it, "That Robert Thomas Weaver has grossly prevaricated in his evidence before this House."

Mr. *Wilson* could not pretend to assert that Weaver had not been guilty of prevarication, but he thought enough had been done for the dignity of the House. As to the other two, he thought there was more impropriety of motive apparent than of absolute prevarication. It appeared that Shackle and Arrowsmith had been prosecuted for a libel; and finding that they were likely to get into more of such scrapes, had made a bargain with the printer to the effect, that if he took the paper off their hands he should have the profits. At least this might have been the case, and the evidence did not conclusively show that it was not. There seemed a possible reason why they had not a written agreement; for as they had the printing materials and other property, they might be endangered by any written agreement with this man of straw.

Lord *Stanley* said, he had been present at the whole of the examination, and he must say that if ever he witnessed a gross attempt to defeat the ends of justice by prevarication, it was in those witnesses. They all of them seemed to have some mental reservation, and in every answer showed a wish to induce a different meaning from what they entertained.

The motion was agreed to. Mr. Smith next moved, "That Robert Thomas Weaver be, for his said offence, taken into the custody of the serjeant at arms, in order to his being brought to the Bar of this House, and reprimanded by Mr. Speaker." Mr. Wynn moved, by way of amendment, to leave out from the word "Offence" to the end of the question, in order to add the words, "Committed to his majesty's gaol of Newgate," instead thereof. The question being put, "That the words proposed to be left out, stand part of the question;"

The House divided: Ayes, 27; Noes, 34. The amendment was then agreed to, and Mr. Speaker was ordered to issue his warrants accordingly.

Mr. *Brougham* said, he was not prepared to give a vote on the case of the other two individuals without having the printed evidence before him. Whether they had prevaricated or not, he did not know at that time, and therefore he wished the further consideration of the subject to be adjourned.

Sir *W. De Crespigny* moved, "That the evidence taken at the Bar of the House, in the matter of this Complaint, be printed."

Sir *C. Long* said, that pregnant doubts existed in the minds of many gentlemen as to the fact whether these men had or had not been guilty of prevarication. He had himself heard the whole of the evidence of Arrowsmith, and he saw nothing like prevarication in it. Neither did he think that there was any prevarication in Shackle's evidence. Doubts being entertained whether they had prevaricated or not, he thought the House ought to proceed no further.

Mr. *Baring* concurred in the opinion that it would become the House not to go further in this affair. This was his opi-

nion, although he had no doubt whatever, that Arrowsmith and Shackle were the real proprietors of the publication. But still he could not see how the House could, upon the ground of prevarication, commit those two persons.

Colonel *Davies* thought that as the House had gone so far, it should not allow the greater delinquents to escape with impunity, while their instruments were condemned to imprisonment. For his own part, he was of opinion that it would be better not to take any notice of attacks of the press of this description; but when the attention of the House was called to them, it was due to its dignity and character to proceed to ascertain and punish the real offenders.

Mr. *Wynn* thought the House could have no doubt, that the individuals on whose case they were now to decide, were the proprietors of the paper. To him it appeared that they were more guilty than the men of straw who had been committed to Newgate. He did not consider that it was necessary to print the evidence. In a case like the present, where the offence complained of was proved to have been committed by the parties brought before them, he thought the heaviest punishment ought to be inflicted.

The motion for printing the evidence was then negatived, and Messrs. Arrowsmith and Shackle were discharged.

ORDNANCE ESTIMATES.] Mr. Ward moved the order of the day for going into a committee of supply. On the motion, "That Mr. Speaker do now leave the chair,"

Mr. *Hume* said, he could not permit the Speaker to leave the chair, without placing on record his sentiments with regard to the Ordnance Estimates. Having compared the expense of the Ordnance department at the present moment with that of past years, he was called on to lay the result before the House, to show the extravagant scale on which the Ordnance establishments were now conducted. He was the more anxious to do this, because on a former occasion the clerk of the Ordnance, had taken upon himself to declare that the utmost anxiety had been manifested by the noble duke at the head of that department to adopt economical measures in all its branches. He thought he should be able to show the House that no part of that statement could be supported by facts. Now, what was the amount of the estimate on the table which they were about to consider? It was no less than 1,327,000*l*. That, they were informed, was the lowest possible scale on which the Ordnance estimates could be presented to the House in the present distressed state of the country. On a former occasion he had made some observations on this subject; and every honourable member must recollect in how triumphant a manner the right hon. gentleman had stated that he (Mr. Hume) had made a gross mistake with respect to 50,000*l*. Ten minutes before he addressed the House on that occasion, the manuscript copy of the estimates was handed to him, and he had taken the sum down in pencil; so that, even if he had made a mistake, it would have been excusable. But the House would be surprised to hear that so far from making any mistake, his statement was exactly correct. In one case, by giving credit for stores, a reduction was certainly apparent upon three items, upon one of which it amounted to 19,000*l*. The right hon. gentleman had been himself misled, and the whole charge, without including stores, would be found to amount to 1,327,000*l*. In the year 1820 it was 1,383,000*l*. He might here observe, that he had before called the attention of the House to the comparative scale in the expenditure of this department. Its average amount for the years 1791 and 1792 was 473,043*l*., whilst for the years 1818, 1819, and 1820, the average for each year was 1,286,666*l*., being nearly an increase of two-thirds upon the former charge. He was now anxious to bring under consideration one very important circumstance. It might naturally be supposed, that the whole expenditure of the Ordnance department was comprehended in the estimates directly relative to that subject. But the fact was otherwise; these estimates had, on various occasions, proved to be short of the sum total by several hundred thousand pounds. In the year 1817, the sum voted by estimate was 1,229,296*l*., and, including the charge for the sea service, amounted to 1,278,736*l*. Would the House believe, however, that the actual expense was not less than 1,441,000*l*.? In the year 1818, the sum voted in the usual estimates was 1,267,289*l*., and the real charge 1,407,000*l*. In 1819, the estimated charge was 1,212,000*l*., and the actual expense 1,535,000*l*., or upwards of 300,000*l*. more than the apparent amount. Had he con-

fined himself to a single year it might be urged, that the whole sum voted for the service of one year was not always expended in it, and that the balance was carried forward. He had therefore taken three successive years, with the view of guarding against any error of this description, and apprehended that he had thus acquired the means of forming a correct judgment. The result of his observations was, that a sum of 623,607*l.* had been expended beyond what appeared by the estimates submitted to their consideration. This was a circumstance which he hoped would be satisfactorily explained, although he was disposed to think he could himself account for the discrepancy. He had remarked, that in these estimates no charge whatever was made for the twelve vessels employed by the Ordnance, and which could not cost less than 15,000*l.* or 16,000*l.* Why this part of the establishment was to be kept in concealment he did not know; but he supposed it was one of the items which went to compose that excess of charges above what appeared on the face of the estimates themselves, that he had already alluded to. Another head of expense, amounting to 27,000*l.*, consisted of extra pay and allowances to the staff officers of the artillery: but he had now pointed out enough to show the necessity of having before the House estimates of a very different description. Whilst he admitted that the right hon. gentleman had readily acceded to all his motions for the production of different returns, he had still to lament, that although more than twenty in number, they did not afford above half a view of the subject. At the same time he did not mean to deny that they presented much valuable information. It appeared by them, that the charge for the Tower department, which used to be 18,000*l.*, was now 62,000*l.*, there being a larger sum in addition to the estimates, on account of gratuities. The right hon. gentleman had stated, on a previous occasion, that 68 clerks and agents had been reduced since the year 1816; and this fact was held up as an example of economy in the administration of the noble duke at the head of the Ordnance department. It might be seen, however, that the pension list, which had grown as long as a tailor's bill, was increased in the same proportion; and (what was yet more material) that 67 persons, under the name of clerks and storekeepers, some of whom had never before been in the public service, were newly appointed. Many of them were very young: for instance, not above seventeen or eighteen years of age, whilst those more advanced in life had been removed and placed on half-pay, or on the pension list. This was the case, on a plea that there was no employment for them, with several individuals who had served for not more than five or three years in the West Indies. But, whilst it was thus maintained that there was no fit employment for these persons, others entirely new were introduced into the service. The assertion, therefore, of the right hon. gentleman, that economy and the public interests had been attentively consulted, was not borne out; and he apprehended that there was some secret in the case. Some of the young men appointed were taken from the academy, military promotion being now rather slack, and amongst them were the sons of certain freemen at Queenborough. One of them, named Marshal, had been placed at Woolwich, and was only seventeen years of age at the time of his appointment; and another named Bouton was only fifteen years and ten months. All this was at variance with the statement of the right hon. gentleman; according to which, if it meant any thing, these 67 appointments must be regarded as creating so many new officers. It was clear therefore that the Board of Ordnance had no claim to the credit of having effected any retrenchment; and indeed, when a noble duke was found to say, that there would be no saving if the whole establishment were done away, perhaps it was not to be expected that attention would be paid to small sums, or even to annuities on lives, however young. The House had heard it also triumphantly stated, that there would be found a considerable reduction in the present year. But although the charge was 33,000*l.* less than the estimate for the last year, it was 115,000*l.* more than the charge for 1819, and 40,334*l.* more than the average amount in the years 1818, 1819, and 1820. It was in his judgment monstrous that the House should be called on to vote so enormous a sum for this branch of the public service at such a period as the present. When he examined the scale of pay and allowances in this department, he found it was extravagantly high, and he had not met with a single person out of

doors who did not coincide with him in opinion, that in no department was greater waste or profusion to be discovered, that in none was there more ample room for the exercise of economy. He wished to place some facts upon record, and he hoped that the House would not refuse to sanction a resolution for recommending to the committee that they should endeavour to make every practicable retrenchment.—The hon. gentleman concluded with moving, by way of amendment,

"That the sums voted by parliament for the service of the Ordnance of the United Kingdom, in the years 1817, 1818, and 1819, upon the Estimates laid before this House, amounted to 3,764,034*l.*; that the sums entered in the appropriation acts for those years amounted to 3,695,336*l.*; and that the sums stated in the annual Finance Accounts for those three years, as actually paid for the Ordnance service, amounted to 4,387,241*l.*, being an excess of 623,207*l.* more than was estimated to this House:

"That the total supply voted by this House upon estimate, under the different heads for the service of the Ordnance for the years 1790, 1791, and 1792 (exclusive of about 35,000*l.* a year for Ireland) amounted to 1,419,126*l.* (being 473,042*l.* per annum on an average of these three years); that the total sums voted for the Ordnance of the United Kingdom in 1818, 1819, and 1820, amounted to 3,860,666*l.* (being 1,286,666*l.* per annum on an average of these three years); that the estimate for 1821, although 53,000*l.* less in amount than the estimate for 1820, is 115,000*l.* more than the estimate for 1819, and 40,334*l.* more in amount than the average of the estimates for 1818, 1819, and 1820.

"That, as the actual expenditure of the Ordnance service of the United Kingdom for the three years 1817, 1818, and 1819, for which the Finance Accounts have been laid before this House, exceeded the estimates on an average of 207,735*l.* per annum, the expenses of the Ordnance for the year 1821 may be taken at a total of 1,584,735*l.*

"That, therefore, it be a recommendation to the committee to effect every practicable reduction in the Ordnance Estimates now laid before this House for the year 1821."

Mr. *Ward* said, that if the hon. gentleman wished to take the debate upon this question, he was ready to reply to his statements now, or, to postpone his explanation till the House went into the committee.

Colonel *Davies* thought it would be more expedient to take the debate upon this question, and to put off the committee of supply till Monday.

The Marquis of *Londonderry* said, that the preliminary resolutions of the hon. gentleman were, in fact, incapable of being discussed. It was quite impossible, before going into the committee, to reply to the variety of details upon which the conclusion of the hon. gentleman was founded; and, after all, that conclusion was a mere truism, which nobody was disposed to deny, namely, that it was expedient for the committee to observe all possible economy, and make all practicable reductions.

Mr. *Bernal* thought the annual excess of expenditure above the sums voted in the estimates might be explained without inconvenience before going into the committee.

Mr. *Ward* said, that the question of the hon. gentleman admitted of a very easy answer. The difficulty arose entirely from the manner of keeping the Ordnance accounts. Many sums granted in one year were not expended for two or three years, and in some instances there were sums credited for six or seven years. That, indeed, only happened during the war. In 1819 the finance accounts stated an excess of 200,000*l.* above the grant of the year; but a part of that excess arose from a payment in 1819 for services of the year 1818. To give an instance to the House—some years ago there was a sum granted for the fortification of Bermuda. Bermuda was not fortified for two or three years, and indeed the fortifications were not yet finished; so that a part of the sum granted in 1816 might be expended in 1819. There was another material circumstance to be considered. The Ordnance department did not confine their operations to the mere Ordnance service, but they were required to hold themselves in readiness for any civil services. The expenses of the preventive service were paid by the Treasury, though they appeared to form part of the Ordnance expenditure. This arose from the defective manner of keeping the accounts. The excess of the unprovided of one year over the unprovided of another was another material article. Thus, in the year 1820,

there was an excess of 40,000*l.* over the unprovided of 1819,

The question being put. "That the words proposed to be left out, stand part of the question," the House divided: Ayes, 110; Noes, 56: Majority against the Amendment, 54.

List of the Minority.

Benett, John	Macdonald, J.
Buxton, T. F.	Maxwell, John
Boughton, sir C.	Milbank, M.
Bernal, Ralph	Milton, lord
Birch, J.	Monk, J. B.
Bury, Visct.	More, P.
Chetwynd, S.	Newman, W. R.
Chaloner, Robt.	O'Callaghan, J.
Calcraft, J.	Palmer, C. F.
Cavendish, C.	Pryse, Pryse
Crompton, S.	Ramsden, J. C.
Crespigny, sir W. De	Robarts, G.
Davies, col.	Rowley, sir W.
Denison, W. J.	Russell, lord J.
Duncannon, visct.	Russell, lord W.
Grattan, J.	Smith, hon. R.
Griffiths, J. W.	Smith, Wm.
Haldimand, W.	Sefton, lord
Harbord, hon. E.	Tremayne, J. H.
Hobhouse, J. C.	Tierney, rt. hon. G.
Honywood, W.	Warre, J. A.
Hornby, Ed.	Western, C. C.
Hurst, Robt.	Whitbread, S. C.
Hutchinson, hon. C.	Williams, W.
Johnston, col.	Winnington, sir E.
Jervoise, G. P.	Wood, alderman
Lemon, sir W.	TELLERS.
Langston, J. H.	Hume, Joseph
Maberly, J.	Bennet, hon. H. G.
Maberly, W. L.	

The House having resolved itself into a Committee of Supply, to which the Ordnance Estimates were referred,

Mr. *Ward* made a variety of prefatory remarks, calculated to prove the entire necessity of the present extensive arrangements adopted in the Ordnance department, and the consequent expense occasioned by them; and he contended that, comparing the present period with the time of Cromwel, when the charge for ordnance (exclusive of the half-pay), and for England only, was upwards of 120,000*l*; the present estimate for the united kingdom and colonies, and half-pay, though exceeding 1,000,000*l.* was a less charge in proportion. As to the excess of expenditure above the grants which had been mentioned by an hon. gentleman, he rather took credit to himself for keeping it down. At the end of the American war that excess was upwards of 1,800,000*l.*; at the end of the last war, the department did not owe a shilling of such excess. If hon. gentlemen would look to the various reports which had been published by finance committees, he thought there could be no reasonable charge made against the Ordnance department, for not having attended to them. In 1816, such a saving was effected—that being in fact the first year of confirmed peace—as had met the approbation of the House, and had been recommended as a model for the imitation of the other departments. The House would keep in its remembrance, that formerly the half of the naval stores charge was included in the Navy estimates; but for many years past, down to 1818, the whole amount of those stores was charged in the Ordnance estimates. In 1817 the Ordnance estimate was 2,307,000*l.*; in 1819, 1,255,000*l.* Since 1818 there was a reduction of 23,000*l.* in this estimate, notwithstanding the addition of 53,000*l.* occasioned by this charge for naval stores; and but for this circumstance, the reduction would have been upwards of 70,000*l.* In 1820, there was an increase of 19,000*l.*; but in 1821 it would be found that there was a decrease of 53,000*l.* He had understood the hon. gentleman to say, that though there was nominally a reduction of 53,000*l.*, there was actually one of 3,000*l.* only. He was at a loss to know how the hon. gentleman proposed to make this out. Practically speaking, in drawing those comparisons which were so often made on these subjects, it was for hon. gentlemen to look to no particular year, but always rather to the exigencies of the time. The hon. member for Aberdeen looked always to 1792; and he was not much surprised that he should do so, after the report of the committee of finance. But, with submission, he thought the committee was as wrong as the hon. gentleman in the conclusions which it had come to. The true comparison was with other times in which the country had been similarly situated; and here he would just ask the House to look back with him at our history for the last hundred years. He begged hon. gentlemen not to be alarmed at such a proposition, for he meant to take only four periods of that term. In 1699, the total charge for the Ordnance was only 25,000*l.*; in 1702-3, it was 70,000*l.* The average charge per annum for eight years after the war, was 128,000*l.*; and on the average of three years after the peace of Utrecht, it was 96,000*l.*: a sum greatly exceeding two

very active years of the war, just before the battle of Blenheim. Then, the reduction was about one fourth; the reduction now proposed, as compared with the like years of war, was three-fourths. The peace estimate for 1821 was 1,366,000*l.*; deduct from this the dead charge of half-pay, namely, 386,000*l.*, and it was reduced in fact to a charge of 980,000*l.* He contended, therefore, that considered with relation to different periods of our history, they had now made a larger proportionate reduction in this estimate, after a certain duration of peace, than our ancestors had ever done. He contended also, that the comparison with the year 1792 in particular was not just, because the value of money was greatly altered; a guinea now would not purchase so much of the necessaries of life as it did in 1792; and though capitalists might, by way of contract, find that they could procure as much of them for the same amount as in 1792, clerks in public departments, who had their salaries only, found that to be the case which he had just mentioned.

He should now come to some few facts upon which the hon. member had laid great stress; and first, as to what had been said of the storekeeper at Dover. The hon. member had said that that officer, who had only 120*l.* a year in 1792, had now a salary of 500*l.* a year; but the hon. member, when he mentioned this as an increase, should have informed himself of all the facts of the case. He should have recollected that in 1792, besides the 120*l.* a year, the storekeeper at Dover had a certain poundage upon many articles, that he had several perquisites, such as the wood of broken carriages, and a certain allowance for visiting ships, which amounted altogether to 400*l.* or 500*l.* a year; therefore it ought not to be said that he had only 120*l.* a year at that time. The person who held the office at the time the hon. member first mentioned the case was since dead; but a short time before his death he had received a letter from him, in which he stated that had the salary of 120*l.* in 1792, with the perquisites, been continued, he should have enjoyed in the present year an income of from 800*l.* to 900*l.* a year. It was, then, quite fallacious to complain of 500*l.* a year, as an enormous increase, when, in point of fact, there had been a saving to the public.—The hon member next adverted to the case of the storekeeper at Chatham, who had 500*l.* a year, with a gratuity of 250*l.* and a house, &c. making his income in all, worth about 800*l.* or 900*l.* a year. This salary the storekeeper—than whom there was not a more meritorious officer—fully deserved; but perhaps the House would feel surprised when he mentioned what was the fact—that had the limited salary given to this officer in 1792, with its perquisites and allowances, been continued up to the present year, his income would now amount to 12,000*l.* Certainly this enormous sum would not be voted by the House; but it would nevertheless, come out of the pockets of the public, who of course gained the difference by the new system. He had merely mentioned these two cases to show how erroneous must be the calculation which compared the periods of 1792 and the present year in every thing.—The next principal objection of the hon. member had been to the great number of new men who had been appointed to vacant situations in the Ordnance. The hon. member complained that the promises of economy and retrenchment which had been made had not been realized; and he seemed to question his (Mr. W.'s) statement, that the noble person at the head of the department always inquired, when a place became vacant, whether it could be dispensed with; but the fact was, that the 56 vacant places which had been filled up, did not disprove this statement; for though the inquiry was always made, the filling up of the place arose from its being found that it could not be dispensed with. Then, as to the filling up some of the vacancies by men of great and of no age, it mattered little; for, according to the practice, no person was entitled to receive a pension until he had served ten years. There were certainly some exceptions; but they were made in the cases of persons whose offices had been abolished, and who had served in the West Indies, or some other of the colonies, for a few years; to such who had made great sacrifices in leaving their country and friends, the granting of a pension on the abolition of the office was but just. As to persons of no age being appointed, he, upon inquiry, had found one instance of a person being appointed under sixteen, which was the age below which it was not the practice to appoint; and the same inquiry informed him, that that person was within two months of that age, and that he was perfectly competent to the duty he had to perform. With

respect to the new men appointed to fill up vacant situations, he should observe, that many of those situations could not be filled up from the half-pay. There was a case of a new man having been appointed a storekeeper; but it was that of a captain in the army, who had followed the duke of Wellington in most of his campaigns, and who had got so mutilated at the battle of Vittoria, as to be wholly unfit to gain a living by any other employment. To the appointment of such a person, if it were a crime, they had to plead guilty. Then, as to the armourer at the Tower, he was not a new man; he had been a serjeant of artillery since 1801, and had served his country faithfully. Next, with respect to the appointment of Mr. Pakenham to be clerk of the works at the Tower, he also could not be considered as a new man, for he had for a long time been in the service. The right hon. member went through a number of other instances to show that the appointments to the 56 vacant situations were not of new men, but of persons efficient to those situations. There were five or six exceptions; but they were of assistant clerks, whose places could not be filled up from the half-pay. One of these was the case of Marshall, who was only 16 or 17 years old, to be assistant clerk at Woolwich; and it was objected to his appointment, that he was connected with Queenborough; but he would ask, why should that prevent his being appointed, if he was fit for the office, and it was one which could not be well filled up from the half-pay?

Where, then, had been the waste of public money in this department, of which the hon. member for Aberdeen spoke so much, and stated that those with whom he had consulted were of the same opinion? No doubt the hon. member's friends thought as he did; they were all linked in the same chain, and felt it perhaps their duty to hold the same opinion. But his (Mr. Ward's) opinion, and that of his friends, was on this subject as good as theirs. The hon. member had not succeeded in making out his case as to the enormous waste of money in the Ordnance department. His arguments on that head were yet to come, for he had hitherto stated nothing which gave validity to his assertions. But not to rest upon that, he would show the comparative expenses of the department in 1792 and 1821. He then went into a calculation of the expenses of the two periods, the result of which was (after making the necessary allowances for the difference of the number of troops, establishments, new colonies, and other causes of expense in the present year, above the former period), that the expense of the Ordnance department in the present year above the year 1792, was only in the ordinaries 59,000*l.* and in the extraordinaries 8,000*l.*, from which 2,000*l.* unprovided was to be deducted, thereby leaving 65,000*l.* as the total difference. This increase of 65,000*l.* could be well accounted for; first, on account of the rise in prices in the present year, above 1792; secondly, in the arrears incident to a war of 23 years; thirdly, the several millions of stores now in existence which were not then, and which must be regularly kept and accounted for; fourthly, the additional care in works and buildings; fifthly, the half-pay, which was fifteen times greater in the present year, than in 1792; sixthly, the Union with Ireland, which threw on the English department the superintendence of the Irish establishments; seventhly, the more correct mode adopted of remunerating officers; and last, though not least, the improvement and proficiency in the whole concerns of the department. As to the subject of gratuities, he would defend it as a measure of absolute justice, those gratuities having been established for the purpose of putting the officers in the Ordnance department on a level with those in other offices, excepting the Treasury and Admiralty, for they had been worse paid than any other, even including the Victualling office. The average of their salaries altogether was not more than 226*l.* a year, while in the other offices they were at least 30*l.* or 40*l.* more. It was to effect a just equality that those gratuities had been given; that object had been now nearly accomplished, and the consequence would be a reduction of the gratuities. Even before the discussion of the estimates, an order in writing had been issued by the master general to review the gratuities, and he could promise that before next year he should be able to give a more satisfactory account of this office. He then proceeded to reply to a statement of the hon. member, who had said that the 43,000*l.* for the master general and officers was in reality 63,000*l.* as there was part of it concealed in gratuities, &c. This he denied. There had

been no concealment whatever. The circumstances of house-rent and coals and candles, the expense of which the hon. member had stated to have been concealed, were brought under the view of the House in 1810 and in 1815, and taken notice of in the report of the finance committee. Where, then, was the concealment? He wished that the hon. member would not give himself the habit of indulging in such observations. Did he wish to have government paragraphed as keeping an Augean stable, which would not bear inspection? The hon. member had ransacked every figure, and had gone so far as to ask for an account of the floating batteries: he (Mr. W.) gave him for answer, that there were none; but he would have been glad to have accommodated him with a floating battery, had there been such a thing in the service. He then replied to the observations made with respect to the powder vessels, and said, that the Ordnance was charged so far with part of the expense of the naval department. The military contingencies had been 80,000*l.* taking all the different stations together.—The right hon. gentleman then moved, "That 43,071*l.* 12*s.* 8*d.* be granted for defraying the Salaries to the Master-general, principal Officers, Clerks, and Attendants, belonging to the office of Ordnance employed at the Tower and Pall Mall, for the year 1821."

Mr. *P. Moore* said, that the right hon. gentleman had made a premature display of artillery, and had nearly expended all his ammunition before he had well taken the field; but every night, when it came to the hour of twelve, he would arrest the business, in consideration of his own health and the health of all loyal subjects, that they might take that refreshment of which they stood in so much need. He would therefore move, that the chairman report progress, and ask leave to sit again.

The amendment was carried *nem. con.*

HOUSE OF LORDS.

Monday, May 14.

GRAMPOUND DISFRANCHISEMENT BILL.] The Earl of *Lauderdale* said, that previously to the order of the day being read, he had to submit a proposition to their lordships, which was, that a committee should be appointed to report the names of the mayor, aldermen, and freemen of the corporation of Grampound, distinguishing those against whom evidence of bribery had been given, from those against whom no evidence had been given. He thought if their lordships had fairly considered the case, they never could have been induced to vote for the second reading of this bill, which appeared to him one of the most unjustifiable measures ever assented to by parliament. He would not dwell on the singularity of the case. The bill did not act on any case of corruption which had taken place at the last election, or at the one previous to the last, but it went as far back as the 1st of Feb. 1816. He was ready to admit, that all those electors who had been proved to have received money ought to be considered as corrupt. But, according to the evidence on which the bill professed to proceed, it appeared that, of the persons against whom evidence had been given, only 19 possessed the right of voting, whilst there remained 25 electors against whom not a tittle of evidence had been given. Since 1816, seven new freemen had been added to the corporation, so that the number of unimpeached electors amounted to 32. Certainly, a more extraordinary principle never was acted on than that of making these innocent individuals suffer for the misconduct of others. It was said that the bill was not a bill of pains and penalties; but for his part he could not see the least distinction between this bill and a bill lately under the consideration of their lordships, which he had heard abused and reprobated as destructive of the constitution in stronger terms than he had ever known to be applied to a parliamentary measure. He contended, that the elective franchise was vested in the freemen of Grampound, for the same object for which the privileges of the illustrious lady who was to have been affected by the bill to which he had just alluded were conferred upon her, namely, the public good. He had heard it said that the people, in their present state of suffering, were most anxious that some improvement should take place in the state of the representation. He, however, did not believe this to be the case. He was once an earnest parliamentary reformer himself; but the moment he changed his opinion on that subject, he was just as violent on the other side. And here he would observe, that he should consider himself the most despicable of human beings, if he did not avow any conscientious change of opinion

on political subjects, and state the grounds upon which such change proceeded. The people were suffering under grievances which had no relation to the state of the representation; but they were ready to grasp at any object which was held out to them as the cause of their misery. Many persons, in both Houses, had talked of the benefits that would result from reform; but he believed, if the people were canvassed from one end of the kingdom to the other, the great majority would be found to consider Mr. Hunt a better judge of the subject than any of its parliamentary advocates. The present measure, if carried through parliament, would not satisfy the reformers; it would only have the effect of making them pursue their schemes with increased energy. His lordship concluded with moving, that the proposed committee be appointed.

The Earl of *Carnarvon* said, he never was a parliamentary reformer in the abstract, but when a case of gross corruption in the exercise of the elective franchise was made evident, he would always approve of the principle which parliament had frequently adopted, and vote in favour of a measure to prevent the recurrence of the evil. The noble earl, after stating that there were forty-one corrupt electors in the borough, and only thirty-two uncorrupt, concluded by expressing his opposition to the motion.

The *Lord Chancellor* said, that the present bill was completely irreconcileable with the law and constitution of this country. Other measures of a similar nature had been founded on mistaken notions of the law and constitution. It had been contended, that the bill was not a bill of pains and penalties, or an *ex post facto* law; but, in his opinion, it was both to every intent and purpose. If their lordships meant to act justly, they could not apply this bill to Grampound without passing an act to tell the whole country, that the law with respect to bribery was completely changed. What was a bill of pains and penalties if the present, which inflicted on innocent men the punishment due only to the guilty, was not one? and a severer punishment too than the law had provided even for the guilty. The rights of individuals ought never to be visited on corporations. This was a principle which had always been acted on in the courts below. The right of voting was given to the corporation, but the benefit belonged to individuals. Upon this principle he was of opinion, that if any of the freemen of Grampound had been prevented from voting at the late elections, they could have brought actions for pecuniary damages, on the ground, not of trust, but of interest. What would be the effect of the bill in a moral point of view? Would it not afford ground for a corrupt majority to say to the other electors, "why do you continue uncorrupt; we can only be disfranchised for being guilty, and you will also be disfranchised for being innocent?" Believing that the motion of the noble lord would produce much useful information, he would give it his support.

The Earl of *Liverpool* wished to say a few words on the question before the House, because he believed it was proposed for the purpose of defeating the object of the bill. He would not enter into the question whether the bill was a bill of pains and penalties or not. If he found that bills of pains and penalties had been recognised by the constitution, it would be only necessary to consider whether a bill of that nature would apply to the present case. The elective franchise was conferred on the corporation, not for the benefit of individuals, but as a public trust; and when parliament should be of opinion that this trust was abused, it became their duty to withdraw it. The privileges possessed by the corporation of Grampound stood on the same footing with the privileges of their lordships. If any peer were found guilty of gross corruption in the discharge of his public duties, he might be deprived of his rights; and this had been done. He might be told that in such a case the guilty alone was punished, and not the innocent. But the principle was the same where a body acted by the majority, and where the reform applied to the majority. In former cases parliament had given to the uncorrupt electors the right of voting in the hundreds. If it should be thought necessary, a proposition to that effect might be made in the committee on the bill. His noble friend objected to all bills of this nature. The doctrine of his noble friend would prevent parliament from adopting any remedial measure, in a case where only two or three electors might remain uncorrupt out of several hundreds. It was his decided opinion that where systematic corruption was proved against a borough, some remedy should be applied. He stated this without reference to the number of electors which a

place might contain; and, in the present case, was convinced that the remedy could not be found by throwing the borough into the hundred. One of the greatest advantages possessed by the constitution was, the variety which occurred in the nature of election, by which every class of the community was fairly represented; but the extending the right of voting for the borough of Grampound to the adjoining hundred, instead of promoting, would counteract that end. He proceeded on no theoretical view. The true rule of conduct, in questions of this kind was, never to reform on speculation; but when any part of the elective system was found corrupt, to take means to correct it. When an evil was clearly proved to exist, nothing could be worse than shutting the door against the remedy. He supported the present bill, not because he was a parliamentary reformer, but because he was an enemy to all plans of general reform. He would make no alteration on theoretical principles, but he would never refuse to pay due attention to any case of abuse which might arise. Their lordships had already recognised the principle of this bill by having passed several bills for a similar object; and they had now to consider whether it was fit for them to retrace their steps. If they refused to proceed with the bill, it could not be because the case was one which deserved to be treated with less severity than others, for no worse case of corruption had ever occurred. He therefore thought that their lordships ought to go into the committee.

Earl *Bathurst* said, he opposed the bill because it enacted the complete disfranchisement of Grampound, and did not, as had been done in other cases, throw the borough into the hundred. He preferred extending the right of election to the hundred, because that was not extinguishing the borough; but, in the present case, nothing less than extirpation was intended, and what was taken from one place was to be given to another; an advantage was to be conferred on persons who hitherto had not possessed it. The principle thus acted on was calculated to open a door to parliamentary favour and jobbing. To give the selection of the places to be represented to the Crown, was an arrangement which might be attended with dangerous consequences. Of the two modes of transfer which had been suggested, that of giving two additional members to the county of York was the best, because it created no new right of voting. He however objected to the bill altogether.

Lord *Redesdale* objected to the measure as tending to establish the principle, that population was the scale for representation. This principle would lead to the system adopted by the National Convention of France, and might be so used as to destroy our present institutions.

The motion was negatived; and the bill was ordered to be committed on Monday.

HOUSE OF COMMONS.

Monday, May 14.

ORDNANCE ESTIMATES.] The House resolved itself into a Committee of Supply, to which the Ordnance Estimates were referred. On the Resolution, "That 43,071*l.* 12*s.* 8*d.* be granted for defraying the Salaries to the Master-General, principal Officers, Clerks, and Attendants, belonging to the Office of Ordnance, employed at the Tower and Pall-Mall, for the year 1821,"

Mr. *Ward* said, that the hon. member for Aberdeen having, on a former occasion, moved for a return of the number of clerks in the Ordnance office, had stated, that 67 individuals had been appointed to offices by the noble duke at the head of it. It was certainly true that 67 appointments had taken place; but of these only 22 had been made by the duke. Five of those 22 had been assistant clerks, and were promoted in the ordinary routine of the office.

Colonel *Davies* observed, that it appeared by the report of the commissioners of military inquiry that the patronage of each department was vested in the head of it. He wished to know whether this was the case in the board of Ordnance. If it were, it would be a complete instance of an *imperium in imperio.*

Mr. *Ward* stated, that the Ordnance was governed by a master-general, whose will was supreme. He could, by his mere fiat, upset all the proceedings of the board. The board, however, on points in which the master-general did not interfere, was also supreme. There were four officers, holding their places by patent, who were entitled to a seat at the board, though they received no emolument from it. They had the right of appointing their own clerks.

Colonel *Davies* observed, that according to this statement the master-general was a mere puppet, who placed upon the shoulders of others the responsibility which ought to rest upon his own.

Mr. *Ward* said, the gallant officer ought to have known that the master-general was as responsible as any other officer under the Crown. Out of five or six hundred offices, the majority were disposed of by him.

Mr. *Birch* thought it was not fair to compare the estimates of the present year with those of 1792. The situation of England at present was in every way different from the situation in which she stood in 1792. The country was then on the eve of war; at present, we were in a state of profound peace. The hon. member next drew a comparison between the amount of the army expenses of France and England, and contended that on the face of the estimates before the House, there appeared an excess of expenditure of 5,500,000*l.*

Mr. *Hume* begged leave to repeat the statement which he had made on a former night. He had said, that since the termination of the war there had been 67 individuals introduced into the civil part of the Ordnance, and that 6,939*l.* was the amount of salaries paid to them. Of these, 60 had been appointed to offices which had become vacant, and seven to offices which had never before been instituted. When there were pensions on the civil list to the amount of 25,000*l.* for storekeepers, clerks, and every other description of persons, surely the offices in question might have been filled up by some of the individuals who were thus quartered on the half-pay list. In the observations which he had made on a former evening, he had not alluded to the noble duke at the head of the Ordnance particularly, because he was well aware that many of the appointments to which he had referred had been made by his grace's predecessors. He had shown, he trusted, by the observations which he had made, that there was a waste of nearly 7,000*l.* a year by such offices. He had the strongest dislike to the system which prevailed of making it more the interest of the heads of departments to augment than reduce the expenditure of their respective offices. As to the general expense of the Ordnance, it was idle to compare the present expenditure with what it was in the time of Cromwell: there was no similitude between the state of the country at the two periods. He would next advert to the enormous and most unnecessary charge of the Ordnance craft: the expense of these boats was unjustifiable; and it was impossible to account for their being kept up, except that they furnished employment for a number of Queenborough voters. The right hon. member had contradicted him the other night when he said that the Lord Howe transport was only 20 tons; the right hon. member said she was thirty tons: now, on reference to official documents, he found she was, as he had represented, only 20 tons. So much for the hon. member's statements; and one was an example of them all.—He next adverted to the wages of the Ordnance clerks, which had been successively raised to meet the high prices of the times, and asked, why they were not now reduced in proportion to the value of money, and the removal of the Income tax? There were, in fact, many parts of the Ordnance department which could with great public advantage be placed under the Transport board, and the business required to be done accomplished by a proper competition as elsewhere. The next matter to which he should call the attention of the House was the disregard of the Ordnance board to the recommendations made in the report of the commissioners. The latter had recommended, that to save the expense of a lieutenant-general of the Ordnance, which was 1,500*l.* a year, a master-general should be appointed who would in person attend the duties, and render the lieutenant's office unnecessary. Instead of obeying this recommendation, the board made the duke of Wellington master-general [he begged not to be understood as objecting in any manner to the distinguished individual], who could not, from the nature of his other duties, give full attendance. The board also disregarded the recommendation to get rid of the offices of clerk of the deliveries, and storekeeper at the Tower: that would effect a saving of 3,000*l.* more. They had also neglected to consolidate the Tower and Westminster Ordnance establishments, or to remove the stores from that place to Woolwich—arrangements all of which would be productive not only of economy, but of convenience to the public service. It had by the same report been recommended, that only two of the Ordnance commissioners should sit in parliament, which he thought was a most desirable recommendation; but this, like all others of the same nature, was suffered to remain a dead letter. It was also very curious to look at the different establishments of messengers in the departments of this service: in some

of them the same names were down as clerks and messengers. Some gentlemen had held up the Ordnance as a model of economy; but in this department no less than 93,000*l.* had been lost by Mr. Hunt. The contract with Mr. Willan, in 1806-7, had been most improvident. One contract ministers had purchased back from the taker at the expense of 30,000*l.* to the public; and yet, in the very same year, they had made another contract, equally ruinous, with the same individual. [It was here said across the table that the Whigs were at that time in office.] He did not care whether Whigs or Tories were in office: if Whigs so much the worse, seeing that they had pretended, like the present ministers, to economise, yet actually saved nothing. If the Ordnance were a model of economy, heaven defend the country from such models! It was much more like a model of profusion. He recommended the other side to attend a little more to the report of the commissioners of Military Inquiry. Though they had recommended that, excepting at Chatham and Dover, no staff engineers should be employed, no fewer than 92 were now in the service at home and abroad. He begged to know why the recommendation of the finance committee regarding gratuities had not been attended to? Till the end of the war the gratuities only amounted to 20,000*l.*, but now they ascended to 30,000*l.* Why was not a stop put to them in 1815, instead of its being done at the present moment, when it was admitted to be proper? This was a glaring instance of want of attention to public economy. The commissioners had recommended the abolition of the barrack department, which was still kept up, though the right hon. gentleman had been so anxious in his speech to keep it out of view. In the offices of the Tower and Westminster only, there was an excess of 47,000*l.* He charged the Ordnance-office with the grossest concealment in some parts of the estimates. If not intentional, it had all the appearance and effect of intention. The vote now before the House was for the officers of the Tower and in Pall-mall: in 1796, the amount required was 18,726*l.*; yet now it reached 63,000*l.*, being an excess of more than 44,000*l.* Under all the circumstances of the case, he thought a reduction of 25 per cent upon the pay and allowances was a diminution calculated to do some sort of justice to the country: it would then be 47,000*l.*, or double the vote of 1796. The reduction ought to be made as well from the salary of the master-general as from the salaries of the minor clerks. The secret of the increase had come out in the course of these inquiries; for it appeared, that the surveyor-general had the patronage of the appointments; consequently, the number of clerks since 1796, had increased from 14 to 36. The expense had risen from 2,019*l.* to 10,621*l.* *Ex uno disce omnes.* In the same way the expenses of the office of the clerk of the Ordnance had risen from 2,229*l.* to 6,000*l.* If the other side of the House would grant a committee, he would undertake to show that the clerks at Chatham, Woolwich, the Tower, and Pall-mall, had not, in fact, fair employment for two hours in the day. The office of the principal store-keeper in 1796 cost 1,440*l.*; now it cost no less than 5,619*l.* In the office of the treasurer of the Ordnance the expenses had been trebled. His salary was formerly 560*l.*, and now it was 1,265*l.* He challenged the other side to show a single instance in which there had not been an increase since 1796. He was quite ready to allow the merit of the secretary to the board; but it was worthy of remark that his salary also had been greatly augmented. It appeared to him that each department bore on its face direct evidence, that the numbers employed in it were too great, and that the charge which the public was obliged to meet was extreme. He should therefore propose a reduction of 25 per cent; and he wished a similar reduction to be made in all the offices under government, from the highest to the lowest. They ought to follow the example of the American congress, who had voted a considerable reduction of their allowances; or even that of the French government, who had lowered their salaries one-half, in consequence of the situation of the country No department could allow of a reduction of expense more properly than the Ordnance; and he trusted that a proper reduction would be made. There were no less than 23 door-keepers and messengers connected with the department, at an annual expense of upwards of 2,200*l.* Surely some saving might be made here. He agreed with the right hon. gentleman that they could not return exactly to the estimate of 1792; but he thought that a reduction of 25

per cent might be made with great propriety. If that amount were taken from the aggregate vote, he had no objection that the Ordnance board should distribute the sum granted as they pleased—with this proviso, that they did not make the reductions amongst those who performed the duty, while they assisted those who did nothing. The hon. gentleman concluded by moving, as an amendment, that, instead of the sum of 43,071*l.*, there be granted 27,253*l.* for defraying the salary of the master-general of the Ordnance, &c.

Mr. *Ward* regretted the necessity he was under of troubling the committee at some length, but after the challenge thrown out to him by the hon. gentleman, he found this was unavoidable. He again insisted that the duke of Wellington, instead of making new appointments, had constantly applied himself to suppress all useless offices. The 67 appointments which the duke had been stated to have made, he had on a former night succeeded in reducing to eight or ten. The hon. member had on a former night complained of a "discrepitancy" in the Ordnance accounts to the amount of 300,000*l.* He did not exactly understand the word; but supposing discrepancy to be meant, he denied the existence of the supposed abuse, and maintained that the correctness of his assertion was established, by a fact admitted by the hon. gentleman himself, that of the Ordnance department being out of debt. The hon. member, in challenging his correctness, had described him to have asserted, that the board of Ordnance had uniformly paid the most implicit attention to the reports made by the several committees of finance and inquiry, and pointing out some recommendations which had not been complied with, he supposed that he had established his (Mr. W's.) want of accuracy. He denied that he had ever stated that the board of Ordnance had complied with all the reports of the committees of finance and inquiry. What he had said was, that those reports had not been rejected as a dead letter. He had never said that all the recommendations they contained had been complied with, but, on the contrary, he had pointed out various instances in which those reports had not been attended to. The hon. gentleman complained that one part of what he called the "staff-pay" had been brought into the estimates under the head of "repairs." He (Mr. Ward) had been prepared, if no opposition had been offered to those estimates, to propose that the extra pay of clerks and overseers, in certain cases, should be separated from the expense incurred for materials. The hon. member had alluded to the extravagant praise which those connected with the Ordnance had bestowed on the reductions effected in that department since the peace. He denied that any thing of the kind had been uttered. When a reduction of one part of the establishment to half what it had previously been took place in 1817, some gentlemen in the Opposition had been pleased to say that the Ordnance department ought to be taken as a pattern to the other branches of government. He had quoted this remark, but he had never said that the Ordnance ought to be taken as a pattern by the other departments of government. When the hon. gentleman taxed him with incorrectness with respect to the measurement of a paltry boat, he felt that he had a right to retort the charge, and he would be well content that the House should judge from the result, of the comparative accuracy of the hon. gentleman and himself. On causing the boat (which had been alluded to, the Harmony) to be measured, he had found that it was of eighty-eight or ninety tons. This was rather more than he had previously said, and therefore his statement was correct. This fact the hon. gentleman did not know how to get over. But how did he meet it? Why, by going to another vessel, and naming the Lord Howe. On the former evening, while in the House, he had heard nothing of the Lord Howe. When in the lobby, the hon. gentleman had spoken of the Lord Howe, to which he replied, that of that vessel he knew nothing: but what they had differed about was the Harmony.—With respect to the hon. member's mode of conducting his Opposition in that House, he gave him credit for the utmost sincerity in what he stated. He felt that the hon. member believed religiously every thing he was pleased to state; and he was also of opinion that the hon. member swallowed as religiously every thing that he was called upon to believe. If it were not for that extraordinary maw which swallowed truth or falsehood as it happened to come before him, he would not make such mistakes as he frequently did. The errors into which the hon. member fell might be traced to three causes. And here he begged to ob-

serve, that the hon. member had made the business so personal between them, as to which was the correct person and which was not, that he must—always assuring him that he meant no offence—offer a few remarks with respect to the hon. member's ability to lead the House. The first cause of the errors into which the hon. member fell, was, that he possessed a great share of what Sterne called "honest gullibility." This was not meant offensively, for Sterne said, "far be it from me not to have my due share of honest gullibility. It is so much the worse for the happiness of that man who has not a good share of that quality." If this were a true and philosophical remark with respect to human nature he congratulated the hon. member on being one of the happiest men in that House. To prove how easily the hon. member was misguided, he had only to refer to the case of the Queenborough electors. The hon. member came down to the House and told them very gravely what somebody had told him. But it was very extraordinary, that in no part of the case he had stumbled on correctness. The hon. member had stated to the House, that a gallant officer had been in treaty with the Ordnance store-keeper at Sheerness, for his house, but that the negotiation failed, because he could not come up to the store-keeper's terms. In consequence of this statement he had written to the officer in question, sir John Gore, who sent him both a private and a public answer. In the public answer he acknowledged the receipt of his letter, informing him that an hon. member had stated in the House of Commons that he had been in treaty with the Ordnance store-keeper at Sheerness for his house, which bargain was not concluded, because he would not come up to the store-keeper's terms. This the gallant officer declared was not true, nor was there the shadow of foundation for the assertion that any negotiation had been entered into between the Ordnance store-keeper and him. The gallant officer hoped, in conclusion, that he (Mr. W.) would have the goodness to state this representation as publicly as the charge had been made. Such was the contradiction of the statement of the hon. member, who constantly adverted to his extreme correctness, and called on the House to put complete confidence in his assertions! He now came to another cause, to which some of the hon. member's mis-statements might be attributed: and, as he was convinced that the hon. member believed them at the moment to be true, he felt the greater degree of surprise, because he could understand a dishonest man very well when he fell into such errors, but he could not understand the hon. member, who was an honest man. He thought that many of these mis-statements arose, in the second place, from the confusion which sometimes occurred in the course of the hon. member's observations. He was in the habit very frequently of confounding different things. Thus, for instance, the hon. member called "magazines" "floating-batteries." [Mr. Hume denied that he had ever made such an error.] The hon. member denied the fact; but he was in the recollection of the House whether he had not stated the matter correctly. He had stated that particular officers had been allowed to retire on full pay, after a service of three or four years. He had no doubt he meant to say that they had retired on half-pay; but he had described them to have retired on whole pay. The hon. member had stated, among other things, that the Feversham powder mills were kept up, when the fact was, that they were only used to keep stores in, and as a refinery of saltpetre He pointed out other errors into which the hon. member had fallen, and noticed his declaration, after obtaining fifty papers from the Ordnance office, that he had not yet half enough. This conduct had been poetically described, and it had been said—

"Ward and lord Palmerston always detest him at
A dull unamusing debate on an estimate;
E'en Huskisson's best explanations he spurns,
And is constantly calling for further returns.
When papers are granted, he's never contented,
But condemns them as vague before they're presented."

Mr. *Hume* inquired if the lines quoted were in John Bull?

Mr. *Ward* said no; and proceeded to notice the praises bestowed on the hon. member for his industry. He was said to have done more good than any body else: but nearly all the information which he had brought before the House was to be found in the Red Book. The salaries of the officers, it was true, were not there, but they were to be found in the papers that had annually been presented to parliament. Another proof of the correctness of the hon. gentleman was found in

his having described a charge of 200,000*l.* to be created by arrangements which only cost the country 81,000*l.* The third cause of the errors of the hon. gentleman was, a talent for exaggeration. In oratory, as in poetry, it should seem that a set of terms were to be used to produce a given effect, and as one noun was to be attended by a number of other words, so one fact proving any trifling excess was to be accompained by a series of other statements. He was ever to be represented as the person undertaking to cleanse the Augean stable, and advancing what was most inaccurate. The hon. gentleman undertook to prove all, if they would but grant him a committee. The hon. gentleman must be more correct in his statements before he could expect that the House would grant him a committee to prove those facts which he was so anxious to establish. Another instance of the hon. member's correctness would be found in what he had stated with respect to Mr. Brees, He had told the House, that Mr. Brees being a Queenborough man, a place had been created on purpose for him at Waltham Abbey. If a new person had been put into that situation, there might have been the shadow of a ground for his statement. He supposed the hon. member did not know that Mr. Brees was an old servant of the Ordnance. He entered into the service in 1787. He came in at the lowest rate as a clerk. He rose to be a clerk at that very place in 1805, and was further advanced in 1812, yet the place he now held, was said to have been the place formed to introduce that very man. Having stated these things, he would leave the committee to decide between his claims to correctness and those of the hon. gentleman. He now came to notice what had been stated on the subject of floating magazines. The hon. member could wish these blown into the air. The immediate consequence of getting rid of these at present would be, to impose upon the country the charge of building a magazine, which would cost not less than 50,000*l.* and which would require an establishment that would occasion an annual charge of 1,000*l.* Would it be worth while to take a course that would force them to do this, or would it be wise to blow up 100,000*l.* worth of powder to save an annual expense of 1,000*l.* for keeping it; which expense, it should be remembered, would only be continued for two or three years longer? He pointed out mistakes into which the hon. gentleman had fallen with respect to the floating magazines. He had stated the expense of them to amount annually to 11,000*l.* exclusive of repairs. Had he looked at the paper which he held in his hand, while he told the House this, he would have seen that this was not the fact. The hon. gentleman seemed to be always in a reverie about the Ordnance. It might be said of him, with a slight alteration of the words of the poet—

"The member's eye, in a fine frenzy rolling,
"Glances from heaven to earth, from earth to heaven;
"And, as imagination bodies forth
"The form of things unseen, the member's eye
"Turns them to shape, and gives to airy nothing
"A local habitation and a name."

He then went on to observe upon the case of capt. Dickenson, and entered into a statement of his services. He was now 70 years of age, and had been in arduous service 40 of them, and therefore, whatever might be resolved upon with respect to future superintendants, he was sure the committee could not have a wish to reduce the salary of so old and meritorious an officer. With respect to the Artillery establishment, the hon. member had stated that it was still a war establishment, although it was under 8,000 men; but this was only another instance of that confusion of mind which his statements manifested. He had also objected to the increase of clerks. An increase of clerks had constantly taken place; and when it was considered how much the establishment had been enlarged, and the stations multiplied, since 1792, it would not appear strange that such an increase had happened. He (Mr. W.) had stated on a former night, the average of the salaries of the clerks in the Ordnance department, which was not more than 226*l.* and below the average of salaries in all the other departments. He would ask the hon. member, then, why it was that he quarrelled with the Ordnance, rather than with the other departments? He had quarrelled even with the very constitution of the board, and with the commissioners of inquiry, because they had not annihilated it. His wishes were not less extravagant than that of the character in the play, who exclaimed—

"Ye Gods, annihilate both space and time,
And make two lovers happy,"

The salary of the treasurer was another point which the hon. member had dwelt upon. He said, that salary had been raised from 500*l.* to 1,200*l.* but that was not instantaneouly done; it had been recommended by a report of commissioners. He had now gone through most of the objections which had been stated, and would not trespass longer on the time of the committee.

Colonel *Davies* supported the statements of his hon. friend the member for Aberdeen; and denied that the right hon. gentleman's speech was an answer to them. He had gone much upon the *argumentum ad hominem*, and had seized upon some desultory expressions not connected with the substance of his statements, while he had avoided all close encounter with the facts and arguments to which he was bound to make out a satisfactory reply. He had charged his hon. friend with indulging in reveries; but he believed the House to be of opinion that his hon. friend dealt in solid substantial stuff, and that nothing could be less like "airy nothings" than the statements which he was in the habit of making. It was said that his hon. friend had a capacious swallow, but he was convinced that he would make the ministers swallow a pill which they would find very hard of digestion. The hon. member then attacked some of the appointments in the Ordnance department, and contended that they were contrary to the regulations of the board. The right hon. gentleman, instead of elucidating this subject, had involved it in greater obscurity. He then made a comparison between the Ordnance service and its expense in the years 1796 and the present time, and contended that the increase was unjustifiable. He also objected to the increased allowances, and particularly to that of the master-general of the Ordnance. The treasurer's office was, he said, quite useless, and ought to be abolished. He was convinced that in the different offices, a saving of three or four millions in the annual expenditure might be made.

Sir *U. Burgh* asserted, that instead of 67 appointments which were said to have been made in this office by the duke of Wellington, he could assure the hon. member, that there had been only 12 or 13 made by his grace since he entered upon his office.

Mr. *Maberly* hoped the hon. gentleman would direct his attention to the charge of the store department; the whole of which might advantageously be transferred to the Ordnance department; and thereby a great saving be effected. The whole of the store department of London might be done away with. When he said this, he was anxious at the same time to bear testimony to the excellent management of the store department at Woolwich.

Mr. *Hume* allowed that he was not competent to vie with the right hon. gentleman in wit and eloquence and poetry but still thought it unfair that the hon. gentleman should have dwelt so long on his dulness of intellect and gullibility. This was, however, a proof that the right hon. gentleman was unable to answer the statements which he had made. The fact was, that in 1796, the civil department of the Ordnance at the Tower and Westminster cost only 18,000*l.*; and that the vote now required was 63,000*l.* He should persist in dividing the committee on his amendment.

The committee divided: For the amendment, 78; Against it, 134. Majority, 56.

List of the Minority.

Anson, hon. G.
Barnard, vis.
Barrett, S. M.
Bennet, hon. H. G.
Benyon, Ben.
Brougham, H.
Bright, H.
Buxton, T. F.
Boughey, sir J. F.
Calcraft, J.
Calthorpe, hon. F.
Calvert, C.
Coffin, sir I.
Coke, T. W.
Colburne, N. R.
Concannon, Lucius
Crespigny, sir W. D.
Creevey, Thomas
Chetwynd, G.
Corbett, Panton
Denison, W. J.
Duncannon, viscount
Ebrington, viscount
Evans, Wm.
Fergusson, sir R.
Gordon, R.
Graham, Sandford
Griffith, J. W.
Gipps, G.
Haldimand, W.
Hamilton, lord A.
Harbord, hon. E.
Heron, sir R.
Hornby, Ed.
Hume, Jos.
Hurst, Robert
James, W.
Johnstone, col.
Lambton, J. G.
Lennard, T. B.
Langston, J. H.
Maberly, W. L.
Macdonald, J.
Martin, J.
Maxwell, W.
Milbank, M.
Monck, J. B.
Moore, P.
Marjoribanks, S.
Newport, right hon sir J.
O'Callaghan, J.
Ossulston, lord
Palmer, C. F.
Powlett, hon. W.
Price, Robert
Ramsden, J. C.
Ricardo, David
Robarts, G.
Robarts, A.
Robinson, sir G.
Rumbold, Charles
Russell, lord J.
Russell, lord W.
Smith, hon. R.
Smith, J.
Smith, W.
Sefton, lord
Tavistock, marq. of
Taylor, M. A.
Tierney, right hon. G.
Townshend, lord C.
Tremayne, J. H.
Wharton, J.

Whitbread, S. C.	Whitmore, W.
Williams, W.	
Williams, T. P.	TELLER.
Wilson, sir R.	Davies, T. H.
Wimmington, sir E.	PAIRED-OFF.
Wood, ald.	Bernal, R.

On the resolution, "That 20,163*l.* 3*s.* 4*d.* be granted for the pay of the Civil Establishments of the Office of Ordnance at the Out-ports and Stations, and also for Rents, Taxes, &c. in Great Britain, Guernsey, and Jersey, for the year 1821,"

Mr. *Hume* said, that if this included Woolwich, he should object to some of the items. He then went through several details, in order to show that many situations were kept up which were not at all necessary. Among others, he objected to the continuance of fire-masters, to the office of inspector of the royal powder manufactory, to the inspector of artillery, and of the brass foundery; all of which, he contended, might be dispensed with. There was also an inspector and deputy inspector of the carriage department: now, at least, the salary of the deputy-inspector might be saved. As to the store-keeper at Chatham, he could not but think that his salary was too large, when he recollected that a major-general had only 480*l.* a year, and that other officers of rank in the army received such small incomes. He objected to the keeping up of such a large establishment of clerks; and also to the large establishment kept up at Sheerness. He would repeat his objection to giving houses to six officers there, five of whom resided at Queenborough. Most of these officers let their houses, and were residing at Queenborough. The houses of such as did not reside at Sheerness should, he maintained, be sold for the public benefit. Indeed, for any necessity there was at the present moment for its continuance, he thought that the whole of the establishment at Sheerness might be laid down altogether. Why did not the right hon. member lay before the House the report of the Board of Inquiry into the conduct of the officers at Sheerness, who had been in the habit of using the coals belonging to the public? The fact was, that these men were freemen of Queenborough. Mr. Hodges had been turned out of his situation for having reported upon some malversations which had taken place. This was the return which he had received for his honest exertions. The hon. member insisted that the whole of the establishments at the different outports were too large. With the view of reducing them he should move, that 25*l.* per cent. be deducted from the sum proposed; and that instead of 20,163*l.* 3*s.* 4*d.*, the sum should be 15,122*l.* 7*s.* 6*d.*

Mr. *Ward* said, it was the intention of government to cut down that establishment at Sheerness as soon as the stores were removed to Chatham. With respect to the six officers who had houses at Sheerness, it was not the fact that five of them resided at Queenborough, and let their houses at the former place. He had again to complain of the manner in which the hon. member brought forward his statements. He had now represented the store-keeper as holding a useless office. But he had, in fact, stores to the value of 1,000,000*l.* under his charge; and could that be said to be an office of little importance? Anonymous letters were often sent imputing the most groundless charges to officers of great merit. He had seen a most malignant letter against a meritorious officer, which, having been neglected as it deserved by the government, had been afterwards transmitted to the hon. member for Aberdeen.

Sir *W. Congreve* assured the House that he was certainly not a sinecure holder in the Ordnance department. He had been held out as a pluralist, when, in fact, both his offices in the Ordnance department only amounted to 25*s.* per day. One office was superintendant of military machines at the repository, for which he received 5*s.* per day; and if the hon. member wished to see of what utility this department was, he was welcome to inspect it any day if he would take the trouble of going to Woolwich. The repository at Woolwich was not only of great national utility, but was also an object of national praise. It was a school in which was taught the art of passing artillery over rivers, canals, narrow roads, ravines, precipices, and such other matters as did not come within ordinary field practice. He had in this branch of the department perfected what his father had begun, and, in fact, had spent more than double the salary allowed him upon it. The other office which he held, was superintendant of the laboratory, the duty of which was to prepare the ammunition for the navy, ordnance, and small arms, of which there must at all times be a sufficient supply. It was also necessary in that department to prove the powder, and to inspect what was returned from ships, in order to ascer-

tain if it could be again made serviceable. He owed it to himself and the House to give this explanation of the duties in which he was engaged.

Mr. *J. Smith* bore testimony to the great services rendered to the country by the exertions of the hon. baronet. He, for one, could not consent to a reduction of one shilling in that hon. member's allowance. If the suggestions of the hon. baronet had been attended to, a great step would have been taken to check, if not entirely to put an end to forgeries upon the Bank.

Sir *G. Cockburn* said, that the naval service had been highly benefited by the improvements made by the hon. baronet.

Mr. *Hume* said, that while he admitted the services of the hon. baronet, he must persist in saying that other departments were greatly overpaid. Formerly, the store-keeper was paymaster; now that very few men were at Woolwich, there was a paymaster and two clerks receiving 758*l*.

Mr. *J. Smith* said, that there were three situations in which it would be harsh, and even cruel, to make any reduction.

Mr. *Hume* said, that in order to remove that objection, he would deduct the amount of those situations from his amendment, and move that only 4,295*l*. be deducted.

The committee divided: For the Amendment, 53; Against it, 110. The House then resumed.

HOUSE OF COMMONS.

Tuesday, May 15.

Petitions complaining of the Proceedings at Manchester.] Sundry petitions were this day presented, complaining of the proceedings at Manchester. On presenting a Petition from William Butterworth,

Mr. *Harbord* said, he believed the petitioner to be a very honest man. He was a weaver, and had received a cut of a sabre, on his right arm, which incapacitated him from following his occupation; so that, having a wife and three small children, he had been reduced to great distress. He prayed for justice, and that the perpetrators of the outrages of the 16th of August might be brought to justice. Perhaps, in courtesy to the hon. baronet, who was about to bring the subject before the House, he ought to abstain from any thing like an anticipation of the debate. Yet, knowing as he did, the store of information which the hon. baronet possessed, the ardency of his feelings, and the extent of his abilities, he confessed that he did not feel any great reluctance or delicacy on that score. The distresses which arose in the year 1819 produced meetings in different parts of the country, and among others notice was given of a meeting to be held in Manchester. The object of that meeting having been declared by the magistrates to be illegal, it was abandoned, and a meeting of a different nature was called for the 16th of August. No efficient steps were taken to prevent this; the civil force were not called into action; the military were placed in ambush; and the magistrates overlooked the whole proceedings from an adjacent house. The magistrates issued warrants for the apprehension of certain persons, and why those warrants were not executed by the civil power, he could never ascertain. It was said, that the civil power could not execute them; but he contended that the effort to do so, had never been fairly made. What was next done? The troops were ordered to advance. Now, he would ask any man what was likely to be the effect of an advance of regular cavalry upon a closely-wedged multitude? But, was it the regular cavalry that was thus employed? No; but a political soldiery. The havoc which ensued beggared description. Doubts having arisen as to the legality of the conduct pursued by the magistrates, one of that body posted to London, to inform the secretary of state what had occurred; and upon this information from one side, and without giving time for the slightest inquiry, their conduct was approved of, and they received the thanks of their sovereign. The chief actor in this scene was a minister of that religion which preaches good-will and charity to all mankind; that gentleman, on this occasion, discharged that duty which at any period was the most severe that could devolve upon a magistrate. How far those duties were consistent with the service of the church of Christ, it was for the reverend gentleman himself to consider. It was a little remarkable, however, that shortly after the 16th of August, for some reason or other, perhaps as a reward for that meekness, humility, and temperance for which he was so remarkable—that reverend gentleman had been advanced to a living of from 1,500*l*. to 2,000*l*. a-year. The magistrates had

stated, that training had been going on for some time before the 16th of August. If so, why was it not put a stop to? They next said, that much alarm was created in the town by the tremendous multitude assembled. Very true; but why were they suffered to enter the town? Why was not the civil power employed to block up the principal avenues to the town before those persons entered it? This would have prevented the fatal events which took place. Next it was said, that the Riot act had been read. He was fully convinced that it was read, as he had it from a gentleman of the highest respectability who was present; but then it was read in such a manner as not to be heard by the crowd. His opinions then were, first, that if such a meeting was illegal it ought to have been prevented; secondly, that proper means had not been taken to disperse it, but that the means used were most unjustifiable; and, finally, that the avenues of justice had been obstructed in such a manner, that only one means of redress was left, namely, an application to that House. But, when that application was made, the reply was, that the courts of justice were open; though it was known that indictment after indictment had been thrown out by the grand juries before whom bills were preferred. Though he was not in the habit of saying any thing offensive to any quarter, he could not help stating, in conclusion, that, co-existent with the recollection of those transactions, there would remain on his mind an apprehension of personal danger from that government who could, without giving time for inquiry, pass a vote of approbation upon the men who had been the perpetrators of such deeds.

Mr. Serjeant *Onslow* said, he could not hear the hon. member call the yeomanry a political soldiery without entering his protest against it. The yeomanry were a most useful and efficient body, and no country on earth could create or support such a body except Great Britain and Ireland. As to the observations of the hon. member respecting Mr. Hay, the rev. gentleman was bound as a magistrate to act to the best of his judgment; and if he had refused to act he would have rendered himself liable to be struck out of the magistracy. Another assertion of the hon. member was respecting the living which had been given to this rev. gentleman. It was true he had not said it was given for any particular conduct on the occasion alluded to; but, from the manner in which he had expressed himself, he had more than insinuated as much. Now, he could state that the living had not been given to Mr. Hay by government, or by any person connected with government. It had been bestowed by a right rev. prelate, in consequence of a promise which had been made two years before the transactions at Manchester took place. It was, therefore, unfair to insinuate that the living had been given from political motives.

Lord *Milton* said, that his hon. friend did not speak of the yeomanry of England, but of the yeomanry of Manchester. He would ask any man connected with Manchester, to say whether the yeomanry cavalry of that town were like the yeomanry of Surrey or Sussex, farmers residing on their own lands, or whether they were not persons entertaining strong personal and party feeling. With respect to the living given to Mr. Hay, he had heard, and he should like to hear it contradicted, that an arrangement had taken place by which the rev. prelate who gave that living, was to have in return the disposal of one of those livings which were more immediately in the patronage of government.

Mr. *Bathurst* said, he had no hesitation in contradicting that assertion.

Lord *Milton* expressed his satisfaction at hearing the report contradicted.

Sir *R. Wilson* presented thirteen petitions from persons who had been cut down and wounded at Manchester. Among them was one from W. Cheetham, who stated, that he was addressed by Meagher, the trumpeter, who said, "Damn you, I will cut your head off," and who immediately gave him a wound in the neck, and cut nine inches off the rim of his hat. The petitioner went to Lancaster, in the expectation of bringing the cowardly trumpeter to justice; but, lo! the grand jury, of which lord Stanley was foreman, the petitioner's late colonel, threw out the bill; his lordship said laughingly, he was sorry one of his regiment should have brought himself into such a hobble; the petitioner then attempted to show to his lordship his hat that was cut, and the blood that ran from his wound out to his clothing, but he would not look at them, or allow the petitioner to show them.

Lord *Stanley* said, he remembered, that having some recollection of the person in question, he had asked him to what

regiment he belonged? and finding that he belonged to his own regiment, he expressed his regret that he should have placed himself in such a situation. He might also have felt regret that the individual had engaged in such proceedings; but if it was intended to be conveyed that he had laughed or sneered at the sufferings of this or any other individual, he begged most distinctly to contradict the assertion. The petitioner had offered to show his wounds, but he, as foreman of the grand jury, told him it was unnecessary, as his statement was sufficient; and here the matter ended.

Sir *R. Wilson* said, that the next petition was from a person who had been considered as the leader of the Manchester meeting; it was from Mr. Henry Hunt, whose conviction at York was, in his opinion, produced by a violent straining of the law, and whose punishment was most oppressive, vindictive and unjust, in a country where justice was administered in mercy.

Lord *Milton* said, that the case of Mr. Hunt was totally different from that of the other petitioners.

Mr. *Scarlett* felt that it was but an act of justice, on his part, to state that the subject of the petition had been before the court of King's-bench, and that the charges had been answered upon affidavit; that the counsel of Mr. Hunt, after having heard the affidavit read, consented to have the conditional rule obtained by Mr. Hunt, discharged with costs.

Ordered to lie on the table.

Sir *R. Wilson* presented another petition from Mr. Hunt complaining of the conduct of the gaoler at Ilchester. The petitioner stated, that the cold and noxious vapours of the gaol were aggravated by the inhuman, cold-blooded, and remorseless keeper's conduct: that the judges had deliberately and intentionally selected the most unwholesome, the worst regulated, and the most immoral gaol in the kingdom; and that one of the judges, who had been born in the neighbourhood of this bastile, had not been able to conceal his joy, when he saw the petitioner sentenced to imprisonment in it for two years and six months.

On the question, That the petition do lie on the table,

Mr. *Bright* said, he felt himself called upon indignantly to notice the vile, base, and atrocious imputations which the petitioner had thrown upon the judges. How was it possible that those revered and learned persons could have known whether the gaol of Ilchester was well or [illegible] lated; or whether the gaoler was [illegible] cruel? The very magistrates of the [illegible] were astonished (himself amongst the number) at the statements that had been lately made with respect to the state of Ilchester gaol: if it should turn out to be true, that the gaol was badly regulated—that prisoners were harshly and cruelly treated, most certainly the magistrates were ignorant of those things. Was it to be believed, then, that the judges could be better acquainted with the internal regulations of that gaol than the magistrates of the county? The imputations which the petitioner had cast upon those learned persons, he was convinced, were false, unprincipled, and atrocious.

The Marquis of *Londonderry* said, he would leave it to every impartial man to say whether the petition was intended to inflame the public mind, or to seek for justice and redress of injuries. In his opinion, it was impossible that the House could suffer to lie upon the table a petition full of such monstrous aspersions upon the venerable judges of the land.

The *Attorney General* said, he had been present when the sentence of the court of King's-bench was pronounced upon the petitioner; and he could assert, that upon that occasion no expression in words or by gesture was made by any of the learned judges such as described by the petitioner. He believed in his conscience that the gaol of Ilchester had been selected because it was supposed to have been the best regulated.

Mr. *Scarlett* said, that the petition, as it related to the judges of the King's-bench, he looked upon as base, false, and slanderous. The terms of the petition were scandalous and base in the extreme; if such language as the petition contained was to be tolerated in that House, then it would be better to give up all respect for the administration of justice. The learned judges, throughout the whole case of the petitioner, had conducted themselves with a cautious and fearful anxiety. They were anxious throughout to do what was equitable and just. They gave to the defendant advantages and opportunities which few parties had ever possessed before; they gave him their assistance when he had no counsel, and bore with the utmost patience language and conduct from the petitioner which courts

of justice were not accustomed to hear. He agreed with the noble lord that the p[illegible] ought not to be permitted to lie u[illegible] table.

[illegible] *Lushington* said, that he would vote that the petition be rejected, because, instead of facts, it stated the mere opinion of the petitioner. It was now five weeks since a motion had been made for a commission to inquire into the state of Ilchester gaol, yet no inquiries had been made under it. If it were true that the keeper conducted himself in a cruel and barbarous manner, the sooner he was removed the better: it was not fit that 150 of his majesty's subjects should be under the care of a person, against whom such heavy charges had been brought, without the government proceeding to an immediate inquiry as to the truth of those charges.

The motion, That the petition do lie on the table, was then put and negatived.

MOTION RESPECTING THE TRANSACTIONS AT THE MANCHESTER MEETING.] Sir *Francis Burdett* rose. He said, that after the various petitions which had been presented to the House, stating, in terms as simple as they were incontrovertible, and as affecting as they were unaffected, the injuries which had been inflicted on the people whilst peaceably assembled for a purpose of the highest importance to the country, namely, the expression of their feelings upon the necessity of reform of that House—he rose, not knowing to whom the blame of the transaction ought to attach, but with the intention of discovering that point by his motion: for, whether it was to the ministers, or whether it was to the magistrates, or whether it was to the yeomanry, who so particularly distinguished themselves on that occasion, that the great share of blame ought to attach, or whether it was to attach to them all collectively, was more than he could tell at present, and was, therefore, a proof that some inquiry into the subject was necessary. It had fallen to the lot of others to celebrate the triumphs of our arms abroad: to him belonged the unpleasant task of repeating to the House one of the sad events of domestic war—*celebrare domestica facta*; and if, as the noble secretary at war had not long since said, the nation was now only in the first year of domestic peace; if, after war had so long ceased on the continent, a strife had been still kept up in our own island, which had only just been concluded by the extermination of the friends of liberty and justice, it was one of those triumphs to which glory had yet been attributed in no country of the world. The subject was so important in all points of view, whether it were considered as affecting the happiness and freedom of the people, the dignity and he would say the security of the king himself, or the laws and constitution of the realm, that in endeavouring to draw the attention of the House and of the public to it, he felt that he was likely to gain much more credit for zeal than for discretion; but

"——————galeatum serò duelli
Pœnitet."

His object was to procure an inquiry into a subject, regarding which, to the disgrace of the government, no investigation had yet been instituted. In order fitly to introduce it, it would be necessary to recur to what had passed upon a former occasion, and to animadvert on what had fallen from different gentlemen in parliament, who had endeavoured to show that there was no ground of complaint; that all the statements made, of violence committed on the people, were without foundation; or that that violence was justified by the circumstances of the case. He recollected particularly that the noble lord, the member for Lancashire (lord Stanley) asserted, that it was not until the yeomanry had been attacked with bludgeons, stones, and brickbats, that they "turned round upon the mob, and some wounds were inflicted." His respect for that noble lord induced him to believe, that he would be glad to embrace this opportunity of confessing that the representation he then made was not founded in fact. In commencing a subject of so delicate and extraordinary a nature, it might be necessary for him in the onset to guard himself by protesting that in the language he should employ he meant nothing personally offensive to any honourable member. He was called upon to say this because he really knew not of what terms to avail himself, unless he used those that most strongly expressed his meaning; and if he introduced the word "falsehood," as he must unavoidably do over and over again, he hoped it would be taken by those to whom it was applied, only in the sense of a statement contrary to the fact. The next honourable gentleman, whose language he bore strongly in memory, was the member for Dover (Mr. Bootle Wilbraham). He had said, that

it was not until the yeomanry had been most violently assailed by sticks, stones, and missiles, collected for the purpose on the ground, that they lifted an arm against the people. After him, rising in a just climax of—he knew not what word to use, —in a just climax of statement, since proved to be groundless and untrue, followed the solicitor-general for the Crown. He asserted, not only that attacks were made by the people, but that some of the yeomanry were literally unhorsed. He begged leave to observe, that he did not impute to the learned gentleman any wilful intention to mislead by falsehood; and he should be especially sorry to charge improper motives in this instance, because he confessed that particular circumstances, of which the solicitor-general might think nothing, had produced a feeling in his mind, which he should never forget, and which made him anxious not to animadvert on the conduct of that learned gentleman in terms more harsh than were absolutely necessary. The learned gentleman belonged to a profession, the business of which was to make the best of a case: *dolus an virtus* was the peculiar motto of every lawyer; and if the learned gentleman would candidly admit that the case had been put into his hands, he should think the plea a perfectly just one.

Having thus noted, in the order they occurred, the different statements as they were made, he next came, in the due course of the climax, to the speech of the noble marquis opposite, who in the regions of fancy and imagination soared far above his compeers. The noble lord had stated to the House matters, not only since proved to be totally groundless, but proved not to have the slightest verisimilitude—to have no distant resemblance to the fact, but to be utterly and absolutely false and fabricated. The noble lord had maintained, that there had been no interference on the part of the magistrates until the meeting assumed the character of tumult and treason. He went on to relate, that the people assailed the yeomanry with sticks, stones, brickbats, and even with fire-arms. Yes! the noble lord had asserted, that fire-arms were used by the people against the military, not by the military against the people—that though great care was taken to clear the ground of stones, brickbats, and missiles, on the day previous to the meeting, yet that a violent attack was made on the cavalry, that showers of stones were poured upon their heads, and that from the very same place that the day before had been cleared "wagon-loads" of stones were removed. He should like to know whence those stones had been obtained. The noble lord had stated, that the people brought them in their pockets; yet it was admitted that they were so densely wedged and jammed together, that they could not even lift their arms from their sides. From whence, then, had the stones come, unless the noble lord, with certain philosophers, held that they fell from the moon; and assuredly that was a much more probable conjecture than that the people should have brought them in their pockets. This flight to the moon, however, was not high enough for the noble lord: he mounted with a bolder pinion, and ventured to add, not only that the magistrates did not and would not interfere with the meeting until it assumed the formidable shape of tumult and treason; but that even then they were determined to act according to the strictness of the law: that one magistrate read the Riot act from a window in the first instance, but as that was not held to come up to what was required, another magistrate, notwithstanding the tumult and formidable appearance of the meeting, like another Decius, devoted himself to his country, plunged into the midst of danger to read the Riot act, and was trampled down by the people. That was not all: the self-devoting magistrates multiplied like Falstaff's men in buckram, and a third actually made his way to the hustings, and there read the Riot act; so that no person present could have the pretence of saying, that he was ignorant of the fact. Now, if all this had been truth, he could have had nothing to say; but it was proved to be utterly and completely false: it had been proved so in a court of law, which observed great strictness in evidence, and did not, as the House of Commons too often did, receive implicitly the loose assertion of one of his majesty's ministers. A court of law looked into facts; it sifted them and tried them by many severe tests; and the statement of the noble lord had there been disproved by numerous and respectable witnesses, who had no connexion with the parties accused, and no political feelings in common with them. Still more: if gentlemen would take the trouble to read the evidence taken on the trials at York, they would find that, with the exception of Mr. Hulton, there was not a witness for the Crown who did not bear

testimony to the peaceable and orderly conduct of the people. Mr. Hulton was the only person who had seen the showers of stones, which the noble lord had added were afterwards collected in wagons. He hoped the noble lord would take care of these precious stones—that he would cause them to be preserved in the British Museum, or some other public depository, as a memento to the House to beware how it allowed itself in future to be misled by statements intended to be followed by new and violent encroachments on the rights and laws, and liberties of the country. [Much cheering.] But even Mr. Hulton, who took the chair among the magistrates because no other man could be found to fill it, did not state how the attack commenced—whether it was by order to the troops, or whether, without authority, they had fallen upon the unoffending multitude, excited by animosity or inflamed by intoxication. Surely, if there were nothing else, this alone demanded inquiry. Surely it ought to be ascertained, at least, by whom the shedding of blood upon that day was authorised. Mr. Hulton took upon himself to say that he saw the yeomanry beaten; and accordingly ordered colonel L'Estrange, with a party of the 15th dragoons, to support them; yet it was as notorious as the sun at noon, that not a single witness had corroborated this assertion: even Nadin, the runner, who said, but only said, that he could not serve a warrant without the aid of the military, did not confirm it; even the Rev. Mr. Hay, who before and since the Manchester massacre had been in constant communication with his majesty's ministers, did not confirm it; only Mr. Hulton had been gifted with senses differently formed from those of all the rest of mankind.

He took it for granted that it would not be denied that the evidence produced at York completely disproved all those inflamed, exaggerated, and false statements with regard to the conduct of the people on the 16th of August, 1819. Without looking at any other part of the question, that alone demanded the fullest inquiry. He took it to be so clear that the interference of the military could not be justified, that he confidently trusted the House would adopt measures to ascertain where the blame ought to lie. It appeared that the magistrates were not the least aware that there was any illegality in the meeting. The imperfect Correspondence on the table* showed that ministers had been long before acquainted with the intended banners, mottos, and all the other circumstances! yet they had never given a hint that the civil power had a right to interfere. It was evident, from a letter dated the 1st of July, 1819, signed by Mr. Norris and four other magistrates, and addressed to lord Sidmouth, who filled an office known to the old tyrannical government of France and to the new military government of England, that of *lieutenant de police*, that they had no power to prevent the meeting. The next letter was from Mr. Spooner, of Birmingham, dated the 5th of July, in which he spoke of the apprehensions which he entertained of the approaching meeting, which had been called for a specific purpose,—the election of a legislatorial attorney, which had been declared illegal, though he (sir F.) could not consider it illegal any more than the election of a mayor of Garrat. However, there was another letter from Mr. Spooner of the 13th of July, in which he stated that the meeting which had been held the day before went off quietly, and that the language used was different from that which had been held to the northward, "which appears," says Mr. Spooner, "sufficiently to prove the knowledge of the speakers, that their audience were not prepared to bear that language, or to support those who might make use of it." Here they had evidence of the good conduct and orderly disposition of the people, which shewed that they were not likely to be intoxicated by speeches, or to be incited to any acts of violence. It was to be remembered, that this meeting at Birmingham had been deemed the most objectionable of any that had been held throughout the kingdom. Long before this, too, the great Smithfield meeting had been held in the metropolis under the eye of the government, on which occasion the then lord mayor, who was as much alarmed as the magistrates of Manchester, applied to the noble lieutenant of police, to know whether he could not prevent it; but lord Sidmouth, however well disposed to do so, had told him that there was no room for him to interfere. When that meeting took place, the ill-judged and every way improper arrest of Mr. Harrison took place. Mr. Harrison was

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* This Correspondence will be found in Vol. 41 of the First Series of this Work, at p. 230.

taken away under a warrant by a few constables, from the chair of that immense meeting, and not the least show of resistance had been made. Though the whole circumstance was most likely to create irritation, the good sense of the people defeated the intention of its authors, and left no excuse for the interference of the magistrates. He would not pretend to the candour of believing that ministers did not wish to excite the people, when that excitement favoured their views. Some handbills, at least the most inflammatory one, which, by the coarseness of its language, was perhaps reckoned upon to produce the greatest effect, and which ended with the words, "Go it, my boys," had been seen by lord Sidmouth before the meeting, and was traced, he believed, to Edwards, or some other of those persons who were to be found wherever acts of violence were committed, to the destruction of the deluded people who joined in them, and to the general mischief of the state.

The next letter in the correspondence was the dispatch of the rev. Mr. Hay, after the memorable event of the 16th of August. In this dispatch Mr. Hay states, that it was the determination of the magistrates not to have stopped the meeting; he states the numbers which had assembled, but he states, that a line of communication was kept up by constables between the hustings and the House where the magistrates were. This proved, that nothing could have been so easy as to have executed a warrant; and, indeed, it was proved at York, that Nadin was continually walking up and down through these rows of constables, though it was on this pretence, that he could not execute a warrant, that the yeomanry were ordered to advance; which assertion, however, he shrunk from swearing to at York, as he and so many other fabricators had shrunk from their flagitious falsehoods when put to the test in a court of justice. Mr. Hay went on to say, that there was "no appearance of arms or pikes" (a noble lord, by-the-by, had said in another place, that there were pikes) "but great plenty of sticks and staves." Mr. Hay then stated, that Nadin went up to the hustings, followed by the yeomanry cavalry. Here this dispatch, which his majesty's ministers had relied upon as evidence, was totally false; for it was proved by Nadin himself, that he followed the yeomanry, instead of having preceded them, which made all the difference. Among the persons on the hustings, whom Mr. Hay particularized, was Mr. Saxton, whom he characterized as "the writer to the Manchester Observer." It so happened that Mr. Saxton was not the writer to the Manchester Observer, but there was a circumstance connected with him which showed the spirit of the transaction. One of the yeomanry cavalry near the hustings said to another, "There is that villain Saxton; run him through!" On which his comrade replied, "No, I had rather leave it to you." Upon this the man actually made a thrust at Mr. Saxton, whose coat and waistcoat were cut through, and who only avoided fatal injury by shrinking away. Now, this "villain Saxton was an innocent man, against whom there was so entire an absence of evidence, that the Crown abandoned the prosecution. Yet this person standing there thus innocently might have lost his life by the brutal fury of his assailants. The law of England said, that even in taking a delinquent, it should not be justifiable to take his life, unless he made such resistance that he could not otherwise be apprehended; nor even then unless the offence he had committed had forfeited his life. What said the law of England to this? Even in apprehending a criminal, more violence than was necessary was not to be used; and his life was not to be assailed unless he made the most desperate resistance, and unless the crime with which he was charged rendered his life forfeit. Such was the law of England, founded on the law of God, handed down to us in that sacred book which we professed to believe. After the deluge, which had swept from the earth the race of violence and blood which had defiled the face of it, the first precept given by God to the surviving ancestor of mankind was, "Whoso sheddeth man's blood, by man shall his blood be shed." The crime of blood was so enormous that there was no satisfaction for it except in severe retaliation. Even if the blood had been shed by accident, the shedder was not, according to the Divine law, free from guilt; and this was wisely ordained, that no negligence might prevail in a matter so important to the welfare of mankind. Until the blood was expiated, the land was defiled, and he who had shed it through misfortune, was obliged to fly to a city of refuge, whence he could not depart until purified by the high priest. In the same spirit, the English law attributed a certain

degree of criminality to all homicide, except in the only circumstance of justification, self defence; and even when attacked a man could not justifiably kill another until there was no other mode for himself to escape,—until, in the old and plain expression of the law, "he was driven to the wall." Great as the encroachments had been on the English law respecting public assemblies, (and there was no encroachment greater than the law which was intended for a temporary one, and which seemed to have become permanent—the Riot act), there was yet no law by which a man was authorized thus to shed the blood of another. If the Riot act had been read at Manchester ten times, instead of thrice, as the noble lord said it had been, the violence would not have been warranted. Unless due care had been taken, unless time were given to the people to disperse; unless great and immediate danger would arise from their not dispersing, there was no justification under that severe law for any violence, much less for such violence as was perpetrated on the 16th of August. Did it say that the soldiers should come in and kill the people? Certainly not: it provided only that those who remained an hour after it had been read, should be taken into custody, and if convicted, should be deemed guilty of felony. Under that law an execution had taken place at Shrewsbury, where a young man of seventeen years of age had committed no other offence; it being thought necessary to make an example of the kind. But had it ever till now been held legal under it, to attack unarmed men, nay, even women and children? To attack an indiscriminate mass of people closely assembled together—to cut them down with sabres prepared for slaughter, and that too without distinction of age or sex, was an outrage which froze the blood in one's veins. And that no part of the eclat of the day should be lost upon these Manchester heroes, as they had reason to call themselves, it was right to mention an occurrence which took place even as they were going to the atrocious attack upon an unarmed and unresisting multitude. They encountered a woman on their way who held a child in her arms: she naturally enough must have looked upon herself as safe from any ferocious attack: she had about her that protection which, one would think, would have told for her, with any thing that bore the human shape: but what was her fate? This woman, bearing her infant in her arms, was ridden over, and her child killed at her bosom as these heroes advanced to the attack! And then, to crown the whole, the verdict of the coroner's inquest was, that the child had died by a fall from its mother's arms! [Hear!]. When, however, they at length arrived at this memorable field of massacre and slaughter—when they attacked, sword in hand, the people who had peaceably assembled, and who were left without any intimation of what was intended, then it was found in what situation the meeting had placed itself. The people fled, or attempted to fly, from the dreadful charge made upon them; but, to their horror and surprise, they found flight impracticable; for the avenues of the place were closed by armed men. On one side they were driven back at the point of the bayonet by the infantry; while on the other they were cut down by the sabres of the yeomanry! The description of the event in the daily prints conveyed a full idea of the horror of the scene. In one of them, the "New Times," the description of the personal danger of those on the spot was striking in the extreme. In that print it was represented, that so great was the frightful confusion among the crowd in their attempt to escape from the sabres of the yeomanry, when they found all the regular outlets shut against them, that they actually bore down a wall or building by the pressure of their own weight; and the writer of the paragraph in question described, that he saw many of them buried under the ruins which they had caused by their violent contact with the building. The writer added—and well he might—that the cry of the multitude was *sauve qui peut*. Happy indeed was he who could save himself amid that frightful confusion! The writer afterwards states, that he had the good fortune to escape by placing himself under the protection of a constable. The account given of the massacre bore, indeed, no resemblance to the legal dispersion of any description of meeting: it rather described the taking of a town by storm, when the officers had lost, in the fury of the moment, all control over the excited passions of the soldiery. Well might he have asked—(he would not say what answer he got to his question)—"Is this a Christian land? Is this a land of liberty?" Yes, he would repeat, it was a Christian land. Yes, he would call it

still a land of liberty—one in which power, however absolute might be the attempt to exercise it, had yet its limits; and where, whatever became of the money which was torn from the pockets of the people, there was one place, and that place the House of Commons, where the shedding of their blood must be atoned for, be it shed by whom it may. It was some consolation for him to have heard that night, that a few of the wretches who had perpetrated the massacre at Manchester were at the time in a state of intoxication. It was always more consolatory to think that men engaged in a bloody purpose were not deliberately acting under the guidance of their own reason, but under the frenzy of feverish excitement; and he was happy to find that at least that excuse could be offered for some of those who were engaged in the outrages of that day. An idea might be formed of the violent and indiscriminate manner of the massacre, when it was known that these yeomanry, in their fury and blindness, actually cut down some of their own troops; for the constables on that occasion were armed, and some of them had fallen under the hoofs of the yeomanry. When a man was asked, how he came to know the constables on that day, his reply was singular enough — that he did not know them until he saw men in the crowd knocked down by their bludgeons, and then he ascertained that they were peace officers. Every thing both at the time, and subsequently to the 16th of August, was characteristic of the indiscriminate havoc of the day. A woman examined before the Oldham inquest, when describing the state of the body of the deceased John Lees, which she had seen stripped after death, said it was cut and stabbed from shoulder to hip; and she gave an illustration of its disfigured state, which he mentioned, on account of its allusion, with shame; namely, that the back of the deceased looked like that of a soldier after being flogged. With respect to the avenues to the place of meeting being closed upon the multitude by armed men, there was no doubt of the fact. People were forced back again into the field of havoc and slaughter: that act had been recorded in the face of the country: it was known in the courts of law, where it had been disclosed.

Referring again to what had been written by Mr. Hay, he found that that reverend gentleman went on to state that the Manchester magistrates took Mr. Hunt. But afterwards came that most extraordinary part of the whole of this peculiarly anomalous transaction; for it seemed that when the man was taken and the meeting dispersed, there arose an unexpected difficulty. Difficulty! of what nature? why, for the magistrates to determine, and after the fact, what was the nature of the crime with which they were to charge the prisoners! They first apprehended a man whom they had no right to take into custody, and after that act they sat down in consultation together, to consider with what they should charge him; that was, they took a man first, and then they held a council to see what was the crime he might have committed! Having, however, done all this, they made it the subject of a despatch to government; and surely such a despatch, both as to the crime charged, and the manner of charging it, was never before transmitted to any government in any country. Doubtless the government, by whom that dreadful act was applauded, had consoled themselves with the hope that the terrible example of the massacre at Manchester would silence all public complaint, and terrify the people from meeting any where to promote parliamentary reform. It appeared, however, that the example, notwithstanding its obvious intention, had altogether failed in its effect; for the people, indignant as they were at the outrage, were not yet so entirely appalled as to be driven from the great question of reform; they met as before, and the ministers were compelled to desist from carrying on their system. Though, like Macbeth, they had stepped far in blood, yet they did not, like him, think that "returning were more tedious than go o'er;" they thought it better to stop where they had gone, than advance still deeper; and the people of Westminster and other parts of the country met, he believed, in still greater numbers than they had done at Manchester, to consider of the best means of relieving the unfortunate sufferers on the 16th of August. The number of victims by the catastrophe of that day was considerable; it exceeded the number of killed and wounded in some of those glorious battles which redounded to the national fame; above 600 had been relieved by the public subscription; and, strangely enough, there would be seen in the list of those who had received pecuniary relief, special constables who had been wounded

by the yeomanry, and also a man named Murray, who had even been represented as a spy of the magistrates on that day, and who had got 15*l.* to pay his doctor's bill for attendance received during the cure of his wounds. In that melancholy and distressing list of sufferers relieved by the subscription, would be seen the names of 120 women; ay, and of children at the breast; neither age nor sex had found nature's safeguard. Mr. Hulton himself admitted, in his evidence at York, that he had seen in the house where he and his brother magistrates sat, a woman fainting under a wound received upon her breast. This was no doubt admitting enough of the fact of the atrocities having been indiscriminately committed on that day; but it was said, "await the justification." They had awaited that justification, and found it false. The ministers had themselves confessed the guilt of the parties. There could be no more correct conclusion than this—that when any party accused set up a justification for having committed a particular act, it was a confession, *per se*, that he had committed that act. If, therefore, all the reasons alleged in justification proved false, there remained only the party's own confession of guilt that stood on record; and such was the situation in which his majesty's ministers stood before parliament and the country for this flagitious act. He repeated, that all the attempted justificatory reasons had failed; and, in pronouncing that decision, he was not recording alone his own opinion, but also that of, he might say, the highest judicial authority on the bench, namely, Mr. Justice Bayley, who had said, at the trial at York, that none of the circumstances relied upon by the government, abstractedly considered, did of themselves necessarily imply guilt. The learned judge had distinctly laid it down, that the numbers at the meeting did not alone constitute guilt. No, nor even the carrying banners in the procession, nor the drilling itself: he said, that the intention alone constituted the guilt of the parties: that it was the intention with which their acts were done which must govern the jury in their verdict; and that it was unimportant, in estimating the circumstances of the meeting, whether the crowd consisted of three persons or three thousand—that the intention of those assembled, be they large or small, was the whole point for consideration in the case. The learned judge was an old lawyer, and had, no doubt, read in his old books the maxim—"Voluntas et propositum, distinguunt maleficium." If to meet peaceably, for the consideration of a peaceable and legal subject, was to expose a meeting to military violence, and to put them out of the protection of the law, then it was time for every Englishman to reflect upon his situation, and bid adieu for ever to the liberties of his country. If numbers alone constituted guilt, how could the people ever meet with effect? It was by numbers they could alone speak, so as to give strength and consistency to their voice, and make their grievances be listened to by the reluctant ears of that House. Mr. Hunt at the Manchester meeting, had, in recommending a peaceable demeanor to the persons present, acted with more becoming prudence than the magistrates who had apprehended him.

The pretence of the people having carried arms to the meeting was utterly groundless; and to talk of their having commenced the attack upon the armed soldiers was, on the face of it, absurd and ridiculous. To tell him that an unarmed and defenceless multitude were preparing to attack an armed and equipped soldiery, was to talk of the attack of a flock of sheep upon a body of wolves. The thing was, on the face of it, nonsensical. The people knew they had no means of repelling the attack. They thought they had assembled under the protection of the law, and they knew they had no other protection than that law, which used to be, according to the expressive phrase of an able lawyer, "the shield and helmet" of the people; but which, unfortunately, at this sad crisis, they felt neither as a shield nor as a helmet. The people were, in fact, employed in doing that for which it might be said they had the sanction of the magistrates who had so outrageously dispersed them. Upon a previous day, the 9th of August, there was to have been a meeting at Manchester, similar to one held at Birmingham for electing a legislatorial attorney, or some such object. The magistrates denounced that intended meeting, and thinking it to be for an illegal object, they did that which it was their duty to do—they gave public notice of their intention, and warned the people against attending any such assembly. That was a fair notice to the people: it had its due effect, and the original meeting was abandoned. But it was said, the intentions of the people remained the

same, although they had nominally changed the purpose of their meeting; that they still intended to subvert the existing order of society; that there were among the people those who sought rank by convulsion, who meant to become dukes and peers when they had divided among themselves and their associates the estates of the aristocracy of the country. Really, persons who honestly and conscientiously entertained such sentiments of the people, were either wilfully mistaken, or must have obstinately kept themselves in a strange state of ignorance. It would be in vain to argue with those who steadfastly entertained such opinions. With just the same reason might they in their fears apprehend, that Atlas would resign his load, and the world fall into pieces around them.

He had already said, that when the people were warned of the illegality of the first intended meeting, they abandoned it in obedience to the admonition of the magistrates, and they then assembled for a different purpose, for one which they and which he considered both proper and lawful—namely, to prepare a petition for a reform in parliament. If the magistrates deemed the meeting of the 16th of August illegal, why not, as on the preceding occasion, have denounced it? Mr. Hunt had waited upon them a day or two before, in consequence of some rumour that a charge was intended to be brought against him; he wished to surrender to that charge if any existed, rather than expose the meeting to inconsiderate interruption at the time it was to take place. What was on that occasion the conduct of the magistrates? They denied having any charge against him; they notified no opposition to the approaching meeting; and therefore he felt himself entitled to assume that the meeting must be considered as having had the sanction of the magistrates. The people had invariably preserved the peace when not obstructed at their meetings. After the Manchester business, one was held at Wigan, which, according to the letter signed "Balcarras," addressed to lord Sidmouth, was attended by all the symbols of sedition, and such like; the people had their leaders, their flags, and their marches, —and what happened? They were left unmolested at their meeting, and "the day passed away in tranquillity." The same occurred at the subsequent meeting in York, at which there was, he had heard, a still larger attendance than at Manchester; and the people, after going through the business of the day in a peaceable and legal manner, quietly dispersed without any obstruction from the bludgeons of the peace-officers. Indeed, all the meetings throughout the country were conducted in the same spirit of order when left to their own management, and without interference. The people uniformly showed the utmost deference to the laws, which were, he was sorry to say, only violated by those whose solemn duty it was to have kept them free from violation. He hardly knew a circumstance in history which was so much to be deplored, as the dreadful occurrence at Manchester;—

"Immortale odium, et non sanabile vulnus."

The people of England, he feared, never could, never would forget it? He was entitled to say that all would have been peaceable if the meeting had been left unmolested. Who, then, were the authors of that calamity which could never be forgotten? He would not stop to assign their share in the deeds of the day to the Manchester yeomanry. He would not stop to investigate the respective shares of the subordinate actors; but would at once demand investigation into the conduct of ministers themselves, and hold them responsible for all the calamities which they had countenanced. But, to return to the list of the killed and wounded—a list which was swelled in amount beyond the loss sustained by admiral Jervis in that great and brilliant victory off Cape St. Vincent, which conferred the splendor of a title upon his name. In that victory 15 sail of British ships defeated 27 sail of Spanish, and brought (what was unusual) two of them into port; and the loss, in killed and wounded, was between 300 and 400—a number falling short, by upwards of 200 of the amount which had suffered in the massacre at Manchester, comprising men, women, and children. It was surely impossible for the House to listen to this recital, and resist an inquiry into the particulars of an occurrence so unprecedented and so fatal: into these transactions they were imperatively bound to inquire; for, in fact, the inquiry could not now be instituted in any other place. The courts of law had been referred to, but those who referred to them knew that the subject was of too vast a size for the courts of law. The courts of law, if, instead of being closed upon this occasion, they

were even open, could not conduct such an inquiry: all they could do would be to redress individual wrongs. They might inquire into the scale of redress or quantum of injury applicable to the cases of A. B. or C. D.; but they could not adequately inquire into the fatal injury inflicted upon the British constitution.

He had gone thus far, and had almost forgotten a document which, though short, was most precious. Indeed, its contents were brief; but not a word could be spared from the document. If it were true that nothing could be too long from which nothing could without detriment be taken, it must be equally true that that could not be too short from which a word could not be spared. He alluded to lord Sidmouth's letter, dated Whitehall, August 21, addressed to the Manchester magistrates, and which expressed, by command of his majesty, "the great satisfaction" the king derived, "from their prompt, decisive, and efficient measures for the preservation of the public tranquillity." It was monstrous to declare that the king of England could have derived "great satisfaction" from the perpetration of these horrid crimes. The king had no connexion with that letter; it conveyed no feeling in which a king of England could ever participate, nor any words which such a king could use in the expression of his sentiments on such an occasion. "Great satisfaction," indeed, at the slaying of his subjects! He would venture to say, that had the noble lord ransacked the whole English language, he could not have picked out any one term which would have risen before his eyes more like a rock that he ought to have altogether avoided, than the term, "great satisfaction," to put into the mouth of his sovereign. What! the king be made to feel and express great satisfaction on hearing of the instantaneous massacre of a large number of his subjects without distinction of age or sex, and to communicate to the perpetrators of such atrocious deeds, his high approbation of their support and assistance!—the thing was impossible; it never could have happened. It was the act of the minister: the king stood free from such an imputation. For the outrage of Manchester, he could find no parallel in the history of the world. Perhaps there was something like a parallel with it to be found in the conduct of the Romans, who decreed in their senate the destruction of the Goths, in their Asiatic provinces. This inhuman decree was carried into effect by Julius, the master-general of the Roman troops, who carefully collected together on the appointed day the Gothic youth in the square or forum; the streets and avenues were occupied and blocked up by the Roman troops, and at a signal given, the unprepared and unexpecting victims were surrendered to indiscriminate slaughter. He would do the king of England the justice to believe that he had not expressed "great satisfaction" at the communication of the slaughter at Manchester. Nothing had been ever acted in the name of a king which could have been so inimical to the real feeling of that king, as the expression of such a sentiment as was on this occasion put into his majesty's mouth by his minister. It was not the least remarkable part of this unparalleled outrage, that the minister should have selected nearly such expressions for transmission to the authors of the crime as had been used in describing the massacre of the Goths in the Asiatic provinces of the Romans:—"His diebus Julii Magistri militia enituit *efficia, velox* et *salutaris*." Whether the noble lord, when he transmitted thanks in the name of his king to the authors of the crime, for "their prompt, decisive, and efficient" conduct, had had, in his classical recollection, the words used by Ammianus, or whether it was that the same devil which prompts men to do the same evil acts, had suggested the same words for conveying their description, he could not tell; but it was strikingly remarkable, that the only two acts which in history bore any thing like a resemblance to each other, should, at such a distance of time from their respective occurrence, be expressed in words nearly of the same import. That his majesty could have expressed any such satisfaction at the massacre of an unarmed multitude of men, women, and children, he never could believe. That such an event should have suggested "satisfaction" in the breast of the king, he repeated, he never could believe; he would not believe it from any man in England, even if the blood were necessarily shed, and therefore justified. If the shocking punishment were necessarily inflicted for the summary suppression of violence, and in the execution of the law, it was impossible that the king would have exhibited such a total absence of all feeling and common sense, as to make use of an indecorous

expression of his "satisfaction" at the shedding of the blood of his people.

If this outrage was left unredressed, it would entail disgrace upon the age in which we lived. The courts of justice were, he repeated, shut against inquiry; and the attempts of the sufferers to obtain redress had been defeated out of doors by every species of chicanery. This was the first time since England was England that a coroner had taken upon himself the responsibility of refusing to perform his duty. Such an act must be received with detestation and horror. He first neglected to perform his duty, and then made that neglect the ground of his ultimately abandoning it. When he had instituted an inquisition, his unwarrantable adjournment of that inquest was an obstruction of the stream of justice from pursuing its even course. How was it that a judge had astutely discovered that the defect in the mode of conducting the inquest was fatal to its continuance after the defect was remedied? First, the coroner being necessarily absent upon other business, suffered his clerk to swear in the jury, as was customary upon similar occasions; but the court of King's-bench at length discovered, that what never had been the practice ought to have in this case occurred, and that the coroner (not his deputy) and the jury, before they were sworn, should have together seen the body of the deceased. There probably never was a legal inquisition conducted in this country with all the nice legal technicalities which it seemed should have been observed in this particular case. Here the hon. baronet took a review of the manner in which all the attempts made by the sufferers to obtain legal redress had been repelled. The magistrate refused informations, because a grand jury had thrown out some of the bills. The people finding that to be the case at Lancaster, went to Warrington to tender their complaints. There again Mr. Bonham refused the proffered information; and in this manner, by one evasion or another, justice was obstructed, delayed, or denied.

He must again say, that this was not an inquiry into individual wrongs, but into a flagrant violation of the constitution. When it was considered that the king's ministers were not contented with making a gross and groundless statement to delude the House and turn them from inquiry into these transactions; and moreover when it was considered, that they had grounded upon that delusive statement no less than six acts, which were the greatest encroachment upon the rights of the people since the time of the Revolution; so much so, that of them it might be said, that they effected in 1819 a revolution of the great principles which had been established by a revolution in 1689; when this was considered, he thought that House could no longer resist inquiry.

He had thought, when the outrage was committed, that it was unfortunate the inquiry was not then entered into; but now that nearly two years had elapsed, he thought that that which at the time appeared unfortunate, had turned out to be rather a piece of good fortune; for it enabled them calmly and dispassionately, unheated by the influence of the moment when the outrage was fresh in their mind, to come to a sober and deliberate investigation of the question. The House had now a proper opportunity to form a just estimate of those false, profligate, and vile impostors, whose testimony had led to such grievous results. Time had fortunately done that which it never failed to do—it had rent asunder the veil which hypocrisy, and trick, and chicanery, had thrown around this subject; and it now presented to the eyes of an astonished country this portentous event in all its naked and hideous deformity. That event he might well describe in the language of an ancient writer—"Nihil est scelestius, nihil perniciosius, nihil quod hæc civitas magis plorare posset." Unless that House had lost all respect for itself—unless it had thrown aside all regard for public liberty—unless gentlemen had not only dismissed all reverence for justice, but all feeling for their own character and estimation in the world—they would go into that inquiry, which he now demanded on the part of the people of England; they would now make good those professions, which some of them had expressed, when they stated that they wished a full inquiry to take place. The time had arrived when those professions were to be tried, not by their loudness, but by the test of fact and experience. It was impossible that a subject of this kind could be allowed to remain in its present state. It was impossible that an administration stained by the blood of the people—for so, he must contend, the present administration was stained,

until that blood was somehow atoned for —could continue as it now was. And it was equally impossible, that that House could refuse an inquiry into that scandalous, and wanton, and profligate expenditure of blood; for, however lightly the profligate expenditure of the public purse might be viewed, it could not be supposed that the same levity of feeling would be entertained with respect to their persons. This was the only way by which they could come before the country and the world, in a fair, open, and candid manner. And he called on those gentlemen who had stated circumstances which had so much deluded the House, to declare to the country and to the world, what it was that had thus imposed on their understandings. He wished to drag some of their spies and informers (if they had received their intelligence from such impure sources) before the public. He wished "to drag those monsters into day." Ministers could no longer screen themselves under those depositions which lay on the table, and which, instead of names, presented all the letters of the alphabet. He desired to know at least who A, and B, and C, and D, were. He wanted to learn the names of the parties whose information led to an event which overwhelmed them and their abettors with disgrace. He could only say that, as far as he was concerned, he had, to the best of his power, endeavoured to do justice to the people, and to give ministers an opportunity to do justice to themselves. The noble lord opposite—whose statements in that House, with reference to the subject under consideration, had had more weight than the observations of any other person—would, he trusted, for that reason concur with him, on this occasion, in the propriety of the motion he was about to submit, which was, "That this House will resolve itself into a Committee of the whole House, to inquire into the Transactions which took place at Manchester on the 16th of August 1819." [The hon. baronet sat down amidst loud cheers.]

Mr. *Hobhouse* seconded the motion.

Mr. *Bootle Wilbraham* said, he presented himself to the House with great diffidence on this occasion, although he was most anxious to rescue the conduct of the magistrates of Lancashire from the aspersions which had been cast upon it. Notwithstanding he felt personally interested in this question, he was extremely glad that it was now fairly at issue before the House. He did not, however, think that the hon. baronet had dealt justly, either to the parties accused or to those persons whose cause he professed to support; and he would briefly state his reasons for thinking so. The circumstance which formed the subject of the present motion took place two years ago. The events at Manchester occurred before the session of 1819, and in the month of April following, the hon. baronet gave notice of a motion which he afterwards put off, on grounds that did not appear to him to have adequately justified the postponement of a question of so much importance. Now, having suffered the subject to sleep for upwards of a twelvemonth, he did not think the hon. baronet had acted fairly, either to those who were accused or those who complained, in bringing it forward now. He meant to impute nothing that could be personally offensive to the hon. baronet, and if any unpleasant expression should escape his lips, he was ready to ask pardon for it. To the eloquent statement of the hon. baronet, he had nothing to oppose but plain, unadorned facts. He had recourse to facts, because they would have more weight than any statement coming merely from himself. The House and the country had, perhaps, been led to draw an inference unfavourable to the magistrates of Lancashire, on account of the silence they had thought proper to preserve with respect to the charges that had been made against them. The magistrates, however, had from the first signified their wish to go before a tribunal where substantial justice would be done. They were in expectation of going before a court of law; but they had not been called on; and they thought it was more dignified, more worthy of their situation, and more consonant with the innocence which they felt, to submit their conduct to judicial investigation, rather than to send forth a statement of that conduct, in answer to the attacks which had been made on them out of that House. They thought it better that their defence should be made in that House, or before a court of justice.

In considering the question now submitted to the House, he was relieved from one considerable difficulty. It was not necessary for him to enter into any argument to show the illegality of the meeting. It was declared on the trial at York to have

been illegal; and that decision had since been confirmed by all the judges of the court of King's-bench, on a motion for a new trial. The trial at York was conducted with the greatest fairness and impartiality. The prosecution was led by his learned friend, the member for Peterborough, with all that ability for which he was distinguished; and the case was tried before a constitutional judge, who could not be accused of bearing harshly on any defendant who happened to come before him. He felt a satisfaction in stating, that the question was tried at the instance of the parties themselves in the county of York; and the decision clearly showed that evidence given solemnly on oath removed the first unfavourable impression of the transaction in the minds of the freeholders of that county. As it was obvious, that no mere statement of his would be attended to by those members who gave credit to that of the hon. baronet, he should be obliged to trouble the House with some documents explanatory of the real circumstances; and he would read them as shortly as he could. He would proceed to give a very brief narrative of the transactions, because he relied more on the statement of the facts he had in his possession, than on any observation of his own. The House would recollect what was the state of the country in the beginning of 1819, and particularly in the early part of the Summer of that year. The disposition of the people in the northern manufacturing districts was so well known that, at the Chester quarter sessions, the magistrates entered into resolutions, binding themselves to exert their best endeavours to preserve the public peace. The grand jury at the Salford sessions followed their example; and, on the 3rd of July the king's proclamation, respecting the disturbed state of the country, was issued. About this time the meetings, which had not before been very numerous, increased considerably. They increased in proportion to the impunity which they met with. They were all conducted by the same itinerant orators, who went from one meeting to another, and moved a series of resolutions, amongst large bodies of the people, where it was impossible that any discussion could take place. From January to June only one or two meetings were held; but, from the 1st June to the 16th of August, no less than a dozen were held. These meetings followed the memorable letter of Mr. Hunt to lord Sidmouth, reclaiming a petition which he had left with his lordship to be presented to the prince regent. In that letter he declared "that he would find some other means of making the sentiments of the people known to the prince regent;" At the meeting at Oldham, on the 14th of June, there were deputies from twenty-eight places; and their object was, to adopt some mode of harmonizing their political union and proceedings. They declared, that "a government emanating from the free choice of the people could alone give security to the country:" and they voted thanks to Wooler, Cobbett, Carlile, and others, who were all invited to attend the meeting of the 6th of August. This meeting of the 9th was called for the avowed purpose of electing a member for the unrepresented town of Manchester. But a learned counsel having stated his opinion that such a meeting would be illegal, the idea was given up. There was, however, a large procession through the town of Manchester. At this time a number of the magistrates for Cheshire, who were also magistrates for that part of the county of Lancaster, together with some of the Lancashire magistrates, formed a committee, which met frequently at Manchester to devise means for preserving the public peace. That committee called Mr. Hilton to the chair. He was a leading man in the county of Lancaster, and he would say, that he never knew an individual who possessed a greater portion of humanity and courage. After the 9th of August, a meeting of the people was fixed for the 16th. Their object was, to consider a fair and avowed proposition; but, at the same time, strong indications of a desire to tumult and riot were observed. The magistrates, therefore, gave directions that all persons who were willing to undertake the duty, should be sworn in as special constables. Many persons were so sworn in; but a person of the name of Bamford, who was now suffering for his infraction of the law, published a proclamation, threatening those who obeyed the call of the magistrates. This proclamation had the intended effect; and, in the populous place where Bamford resided, only two or three persons could be found who would act as special constables. The loyal part of the population became intimidated, and the training and drilling in the neighbourhood of Manchester after midnight struck terror into the minds of the well-disposed. Before the 16th of August the activity of

the night drills had greatly increased. And here he begged leave to make one observation, in answer to what had been said by an hon. member, as to its being the duty of the magistrates to put a stop to them. Now, it was impossible for the magistrates to do so, seeing that they did not know of them until after they were over. It was generally from 12 at night to an early hour in the morning that the people were exercised, and it was, therefore, morally impossible for the magistrates to prevent their taking place. Two men of the names of Shawcross and Murray, who watched one of these midnight assemblies at a place called Whitecross, were discovered by their scouts, and beaten most severely. At this period a circular letter was written by Hunt, in which he stated, that he considered the meeting of the 16th to be an adjournment of the meeting of the 9th; the latter, be it recollected, having been called for an illegal purpose, namely, that of electing a member to serve in parliament for the town of Manchester. The hon. member here produced and read a number of depositions stating the drilling at night, and the terror and alarm of the people in the neighbourhood.

Lord *Milton* wished to know what the precise nature of those documents was? Whether they were depositions taken before a magistrate; or whether they were depositions made in a court of justice where the witnesses were cross-examined?

Mr. *Wilbraham* continued. He stated, that he had no hesitation in saying, that they were not of that description, but were depositions made before the different magistrates, by persons who voluntarily offered themselves to state what they saw and heard. He did not wish to give them a higher character than they deserved, but he believed that those who made those depositions swore only that which they were convinced was true.—The hon. member then read a number of depositions, stating the drilling, and the violence used towards those who would not join in them. He also read depositions stating the language of the people, as to their revolutionary intentions and as to their expectations from the meeting on the 16th of August. The magistrates, conceiving the meeting would be numerous, had every thing done to preserve the public peace which was in their power. They had three hundred constables stationed; forming two lines to the hustings; but in order to prevent this, the people moved the hustings further off to prevent their access and, linked arm-in-arm, no less a number than thirty or forty thousand men, marched into the town of Manchester in bodies of several thousands, and with flags and banners, when they came opposite the Exchange, they shouted in defiance, and hissed. When they passed by the military, they gave three cheers with the like view; and as they proceeded before the house where one of the men was who had been ill-treated the night before, they paused and hissed; an evident proof which identified them with the drilling party at Whitemoss. On their arrival on the field with all this military array, they formed six deep round the hustings. This, as might well be imagined, created general alarm, and many persons, not timid ones, but those who had in a former period of danger stood forward in their duty, alarmed at their steady and determined appearance, called on the magistrates to interfere, and deposed to the danger which they thought threatened the peace of the town. Some of the magistrates thought the reading the Riot act would be a proper step to be taken in the first instance; and one magistrate, who had a remarkably loud voice (Mr. Ethelstone), read it from the window of the house where the magistrates had stationed themselves in view of the meeting.

Mr. *Bennet*.—May I ask where is his deposition? Has he ever sworn to this fact of having read the Riot act?

Mr. *Wilbraham* said, he did not know, but he had been told so. Another magistrate, thinking that not sufficient, went into the street and read it again; but he was speedily tripped up, and trampled upon. Much stress had been laid upon the Riot act not having been read, or heard read; but he thought that of little consequence, for it must be considered, that the meeting was liable to be dispersed, not because it was riotous, but because it was a decidedly illegal meeting. He admitted that professedly it was not illegal; but it was so in fact and in law. Then the military array in which those who assembled at it proceeded to the spot, and many other circumstances, combined to make it of a very peculiar as well as very formidable nature. It could not, therefore, be considered as a meeting of any known or ordinary character, such as those were which were contemplated by the Riot act, at the time of its en-

actment. The depositions proceeded to show, that when Hunt and his party arrived, the warrant for their apprehension was made out. Here he would take the liberty of mentioning to gentlemen who might happen not to be aware of it, what the municipal constitution of Manchester was. It had no corporation, but was governed by a borough-reeve and two constables, invariably chosen from the most respectable and wealthy inhabitants. Upon this particular occasion it appeared that the borough-reeve professed his entire conviction that any attempt to serve the warrant without the assistance of the military power, would be futile and dangerous. This apprehension of his was confirmed by the two constables; and finally, in consequence of their representation, the military power was called in. The hon. gentleman then read the affidavit of an individual who saw a great many stones thrown during the transactions of that day; although from personal observation he could allege, that before the meeting there were on the field neither stones, sticks, nor bludgeons, nor any other implements that could be used offensively. After the dispersion of the meeting, however, he found both sticks and stones; the former appearing to be some of them hedge-stakes, the others walking sticks. Another person declared in his deposition, that being desired by the borough-reeve, shortly after the meeting was dispersed, to go over the ground, he had found many stones, several of them having all the appearance of having been brought thither, and of having been used for the purpose of throwing at people. One person deposed to having met, on the morning of the 16th, several parties armed with sticks and bludgeons. He saw the men standing, twelve feet deep, before the hustings, linked arm in arm. He saw stones and brickbats thrown at the yeomanry cavalry; and one man near him struck at a yeoman with a bludgeon or short stick which he carried. The hon. gentleman then read parts of depositions of persons, who spoke to having seen sticks and stones upon the ground; some of the former being four feet long. It was stated in the deposition of a constable that the military aid being called in, two companies of yeomanry advanced, preceded by the borough-reeve and two constables. They marched by files, very slowly, and six abreast. Now, by marching in this manner, it was quite impossible that the yeomanry could then mean any thing hostile; because the two outside men only, of each file, could use their sabres against the people. The depositions asserted that not a blow was struck by the yeomanry until they were themselves assailed by the bludgeons of the populace. Another deponent alleged, that before a blow was struck by the yeomanry, he saw stones and brickbats flying about, directed against them from a variety of quarters; that captain Burley, when the yeomanry advanced, preceded them about 36 yards, and that many of the constables walked considerably before captain Burley. The next deposition described the fact of Mr. Hulme, a trooper in the yeomanry, having been knocked off his horse and hurt.

The hon. gentleman observed, that he had much more of this evidence, which he forbore longer to detain the House upon; hoping, however, that by so abridging he was not weakening it. It might very naturally be asked why this evidence was not produced at York, on the trial; and his answer was this. The learned judge, before whom the cause to which he alluded was tried, thought proper to narrow the question (and no doubt with very good reason) solely to the legality or illegality of the meeting which took place at Manchester. This, and no other, was the question which he felt himself called upon to try; and, limited as it was, it occupied eight days. This limitation, which was, as to all points of evidence, strictly enforced, was allowed—with that humane and honorable feeling which is naturally always entertained for persons in similar situations—to operate in favour of the defendants; and much evidence, both of a specific and a collateral nature, in consequence, was not brought forward. There was perhaps another reason why it was not produced. The gentleman—an eminent solicitor—who was sent down to prosecute, did not address himself to the magistrates; but on his arrival at Manchester applied to a professional gentleman of great respectability, but unacquainted with most particulars of the transaction, and not at all connected with the magistrates. What was proved by Mr. Hulton, the only magistrate who was put into the box, was most satisfactorily proved; and the jury found a verdict of "guilty" against the defendant, which of course they would not have done had the evidence been of a nature to leave any doubt on their minds upon its propriety. He did not wish to

say any thing invidious on this subject; but he felt that he should not discharge the duty he owed to himself, to the magistracy of the country, and to that House, if he did not call the attention of hon. gentlemen for a few moments to the nature of the evidence. Mr. Carlile, they all knew, was one of the persons summoned to attend the meeting in question. The political and the religious opinions of this person were also well known; and he would put it to any of those who now heard him, and who had any sincere belief in the Christian religion, whether he could believe evidence given, for instance, by Mr. Carlile? Some of those who did give evidence were so far parties concerned, that it could hardly be expected they should candidly declare with what intentions they went to that meeting; while others, as the hon. baronet had said, went there, no doubt, with the best and most innocent intentions in the world. But, in such a confused scene, and amidst the tremulous agitation of 50,000 people, it was obvious that men, in giving an account of what they had there beheld, were very liable to be warped and misled by their fears, their prejudices, or their passions.

As to the inquiry proposed by the hon. baronet, he thought there were very many objections to the mode of it. They all knew the length to which such examinations ever went. They could not be carried on with that closeness and unremittingness with which judicial proceedings were conducted; and the great objection of all was, that they would not be upon oath. What, therefore, would be the consequences, if the House acceded to the proposition of the hon. baronet? People would be summoned from all quarters; long investigations would be gone into upon one side, and followed up by as long ones on the other; and, after all, the result would depend upon the credit given by the House to the individuals who gave their testimony.—The hon. member then, adverting to the day of the meeting at Manchester on the 16th, stated, that the magistrates had taken every precaution to guard the town against danger; and he produced a placard which had been posted up by them, in which they cautioned all persons to keep their servants, children, and apprentices within doors on that day. It was said, that the magistrates ought to have arrested Hunt before that day; but when this objection was made, it should be considered that the magistrates had no charge against him before then. No act had been done by him before then of which they could take cognizance. Mr. Hunt himself had called at their office to know whether there was any warrant out against him, and he was answered that there was none; of course they could not have interfered with him. It was also said, that the magistrates should have prevented the meeting; but he should wish to know how the passage of a body of 50,000 persons could be stopped. If an attempt of the kind were made by the civil authorities, their power would be set at defiance, as it was afterwards; and he presumed it would not be contended, that force should have been resorted to in the first instance; but even if that were the case, they had not a sufficient force. It was next said, that they should have waited until some seditious act had been done; but to this he replied, that if time had been given to have the passions of the multitude inflamed by seditious harangues, it might have been found extremely difficult to prevent its effects. The magistrates waited until they had found the leaders fully identified with the multitudes they had collected, and in this he thought they had acted most wisely. If they had waited until the irregularity of the meeting became more marked, it might have proved too powerful for their utmost efforts to repress.

The hon. member then proceeded to contend, that the meeting could not have the peaceable intentions which were attributed to them, else why should they have brought sticks out of the ordinary size, and such quantities of stones as he had proved were brought by them to the ground in their pockets? As to the charge of their not having tried the civil power, he maintained that they had tried it as far as it could be done without imminent risk. Neither magistrates nor constables were bound to expose themselves unnecessarily; and it was perfectly clear that 300 constables would have been of no avail against the opposition of such a vast force. The magistrates had seen an instance of the futility of such an attempt a few evenings before, when a man had been attacked for posting up a proclamation of the prince regent. The borough-reeves and constables interfered, but they were hemmed in by the mob who began to pelt them; and it was with difficulty they escaped. But they had an example in

the employment of a military force on an occasion somewhat similar, and that by an individual who would not be suspected of any violent measures against public meetings. He alluded to the case of the meeting of the Blanketeers, as they were called about four years ago, when sir John Byng sent the peace-officer, along with the soldiers, who surrounded the leaders of the party, and took them into custody. He had no hesitation in saying, that had the meeting not surrounded the military who were sent among them at Manchester, not a life would have been lost. The magistrates saw that the civil power, as well as the yeomanry, was in danger: added to this, they had the depositions of several respectable inhabitants, who swore that the town was in danger; and they did what they conceived would prevent it —they dispersed the meeting; by which the danger was completely averted; and several other meetings which had been announced in the county were avoided.

As to the charge, that the troops had stopped up the avenues to prevent the people from escaping, it was completely refuted by the declarations of all the officers of the regular troops who were on duty on that occasion. He now came to the yeomanry cavalry; and he contended that if they had attacked the people, it was only in defence of themselves. They had gone to assist the civil power, when they were assailed by the crowd, and it was natural that they should defend themselves. But it was quite erroneous to say, that many persons had fallen by their hands. That some persons had lost their lives and that a number were wounded and bruised, was a fact; but he would show that the accounts which attributed all those circumstances to the attacks of the yeomanry were quite erroneous. The hon. member then read a report from the coroner at Manchester of the number of inquests which he had held after the 16th, in order to show that many of the cases which were said to have occurred by wounds at Peter's Field were cases of accidental death. The first of these was on a woman who was said to have been cut down at the meeting; but by the coroner's inquest it appeared that her death was accidental. She had come to the meeting, apparently very zealous for its object, and was heard to express a wish at a house where she stopped to drink, that she might not return alive if the good cause did not carry the day. In the pressure of the crowd she fell into an area and was killed; and the verdict of the coroner's jury was given accordingly. Another inquest was on an infant which had died of convulsions through fright. The hon. member mentioned other inquests which had been held by the Manchester coroner, between the 16th of August and the month of November; in none of which, he observed, did it appear, except in one case, that the party had died of sabre wounds; the most of them were accidental deaths, arising in many instances from circumstances not connected with the meeting. One of those cases was that of a man said to have been killed at Peterloo, as it was called, but who actually met his death whilst eating some mutton, a piece of which stuck in his throat. With respect to the reports of the numbers said to have been taken into the infirmary, they were equally erroneous; and it was also without foundation that a man had been turned out of the infirmary because he had been one of those who attended the meeting. The reports of many said to have been killed were equally without foundation. As a proof of this, and of the avidity with which such stories were believed, he would mention one or two cases. The first was that of a father who went to the infirmary to seek for his son (as it was reported), and seeing some clothes in one of the rooms, he declared that they were the clothes of his son, and thence concluded that he had been murdered, and that his body was disposed of. Now he had an affidavit from the son himself, a young man about 19 years old, which stated, that he had not been at the meeting, had not been wounded, and never was in the infirmary in his life. Several other cases he could mention, but he did not wish to detain the House. One case he could not avoid stating; it was that of a man named John Nuttall, who was said to have set off for the meeting on the morning of the 16th, but who was not afterwards heard of. It was of course concluded that he had been killed; and it was added that the agony of his wife and four children was not to be described. Now he had an affidavit from Nuttall himself, from which it appeared that he had left his home to go to Manchester, not on the 16th, but on the 14th, and having been detected in stealing 28 lb. of tobacco, he was committed to the New Bailey, where he remained on the 16th, and of course could not have

attended the meeting. From these few statements the House might judge of the nature of many of the assertions which had been made respecting the list of the killed. As to the number said to have been wounded, he believed they were greatly exaggerated, and that many persons showed wounds and bruises said to have been received on the 16th, which they were induced to come forward with by the premiums for wounds offered by the committee. He knew one case of a man who had received 4*l.* for a wound, which he said he had got on the 16th, but which he afterwards confessed was occasioned by a nail which had run up through his foot.

He hoped he had now answered the charges brought against the magistrates and the cavalry: if he had not, it certainly was not from want of materials, or the weakness of the case. But if he had not succeeded in defending them, let the House recollect the difference of their situation then, and that of the House at present. The House was now, after a lapse of nearly two years, debating upon the propriety of that conduct, of which they (the magistrates and cavalry) had had but a few minutes to consider. The House was now certain that the danger was all over; they had to decide in a moment of fear and alarm. He did not speak of personal fear, but of alarm for the safety of the town. The hon. member then read an extract of an address to the prince regent, signed by 8,000 inhabitants of Manchester, in which they approved of the conduct of the magistrates, and described the danger in which they considered the town to have been placed. This he did to show that the feeling of danger was not confined to the magistrates alone. The hon. member contended, that to institute an inquiry at the bar of that House would be to cast an imputation where none was deserved. The power of parliament to interfere was what he did not deny; but he objected to an examination at the bar of the House, which would operate as an inference that the magistrates were to blame. No bill had been preferred against them though intentions to that effect had been loudly declared. No attempt had been made to bring the question to issue, although there had been funds raised for the purpose; the subscriptions for the sufferers having been diverted in a manner which had only been made public by a quarrel among the parties. What he implored was, that the House would not interfere with the jurisdiction of the criminal courts. If the magistrates had been guilty, let them be tried by the law of the land, which was equal to punish them; but if innocent, why should the House interfere and create a new offence unprovided for by the common law? If they wished to discountenance the magistracy of the kingdom, they would do it by bringing the conduct of these gentlemen to the bar of that House. He did hope the House would pause before it adopted a measure which must be detrimental, and the obvious effect of which would be to paralyze the efforts of the magistracy in the event of danger to the country. He would conclude with a few words which he had selected from a speech in the other House of Parliament, made by lord Grenville on a motion to a nearly similar effect as the present by the marquis of Lansdowne, which from the lapse of time it was not disorderly to allude to. He avowed the sentiments it contained, and he could not do better than read it. "Need I say what would be the effect of such a motion? It would teach the whole magistracy of your country, that, when in the hour of peril they have discharged their public duties with intrepidity and firmness, yet if unjust prejudice, if groundless clamour, be raised against them, they must look to no protection from the government or the legislature. After all their exertions, and all their sacrifices, they must prepare themselves to meet unfounded suspicion and harassing inquiry; to appear, perhaps, as culprits in this place, defending themselves against the vindictive malice of those very criminals, whose guilt they may have exposed and punished. Thus discredited, thus degraded, what must be their resource? They might appeal perhaps to yourselves against your own decision. They might remind us that the discretion which they exercise, and the duties which they perform, are committed and enjoined to them by law; by that law of which they are the ministers, and you, your lordships, the high and hereditary guardians. And they might confidently claim, from your justice, that you should suffer them to enjoy unmolested its full protection for their own conduct and character, while they are engaged in uprightly administering it to others."*

* First Series of this work; vol. 41, p. 473.

Lord *Milton* said, that though he respected as much as any man, the character of his hon. friend who had just sat down, yet on this occasion the House had nothing to do with the character and station of his hon. friend; they had only to do with the case which he had made out, and that which had been attempted to be made out against him. It would, he thought, have been better had his hon. friend abstained from making the allusions which he had indulged in towards the close of his speech, respecting the power of the House to make that a crime which was not so before. His hon. friend had read a number of depositions made by various persons relative to the events of the 16th of August. He was glad to find that those persons no longer thought it necessary that their names should be concealed from public view. But he must ask why those persons were not called on the trial of Hunt? There was a person named Barlow, who had deposed that there were not twenty persons in the Exchange, and that the people at the meeting had bludgeons. But on the part of the witnesses on Hunt's trial there was not one word of this. What was his hon. friend then doing? Were he and the other magistrates sleeping at their post? They could not have been ignorant of the nature of the evidence. Why was the evidence on the trial so different from that given before the magistrates? But Barlow was not the only one in the same predicament. Dunthorpe had stated, that he heard one person coming from the country to the meeting say, that they intended to meet in such numbers as to overawe the civil and military power. That person's name was Wilde; he was one of the defendants, and it was remarkable that judge Bailey, whose name he could never mention without feelings of affection and veneration, in summing up had stated, that there was no evidence against Wilde. Would it have been so if Dunthorpe had been called? But they did not venture to produce him, notwithstanding such a deposition. Perhaps they were influenced by some knowledge of the character of the witness. But whether it was so or not, this was an important question which he was firmly convinced, could never be set at rest but through the intervention of parliament. As the hon. baronet had well said, it was a question whose dimensions were too large for one of the ordinary tribunals. It was not a question affecting private individuals, but the rights of all persons, and the interests of the country. It was in this light he had always considered it, and he begged the House not to mix up with such a question the characters of individuals; he begged them to consider the subject on its own principle and merits, and to forget the name of Hunt, as well as the unworthy petition which he had attempted that night to have laid upon the table of the House. If they mixed up Hunt with other persons interested in this question, they would mix up characters totally dissimilar. He did not stand there to attack or defend Hunt, but he called on the House to take care that no rash interference should lead to establish the precedent of a military instead of a civil power in this country. It would be recollected, that on the trial at York, the judge had over and over again told the jury, that the conduct of the magistrates and yeomanry was not the question. The question on the trial was, whether the meeting was lawful or a riotous one, and not whether the conduct of the magistrates had been unconstitutional or violent. Therefore the question which came at issue between the magistrates, military, and government, on the one side, and the people of England on the other, had not yet been tried. He was willing to concede to his hon. friend, that the injuries stated to have been inflicted at the meeting were exaggerated, and that the numbers of the wounded and killed were not so great as were at first stated; but his hon. friend could not deny that at the very least there had been 25 in-patients at the Hospitals, and thirty-two out-patients, in consequence of the events of that day, and, were the transactions of such a day unworthy of the most solemn consideration of parliament? As to the persons killed, he would put the number at the lowest possible level. He would take his hon. friend on his own showing, and say, that if but one person had fallen by a sabre wound, whose relative could not procure redress, it was the business of that House, as the great inquest of the nation, to interfere. The latter part of his hon. friend's speech had been taken up in the justification of the magistrates. He (lord M.) was inclined to believe, though the question was involved in much mystery, that the magistrates were not the most to blame. Mr. Hulton had stated, that it was not the intention of the magistrates to interfere. That determination was most

wise, and he wished the magistrates had it in their power to adhere to it; but he doubted whether, when the military rushed in, the magistrates had that power. The Riot act was not then read. It did not appear that it had been read before the military drew up in the face of the hustings. Why was there not evidence given that it had been read? No one could peruse the charge of Mr. Justice Bailey to the jury, without perceiving that the learned and venerable judge could not make up his mind as to the verdict, and that he in some measure anticipated a complete acquittal. Five of the persons who were included in the indictment were positively acquitted. If it was illegal to have merely been at the meeting, it was clearly proved that those five persons were present. Why then were they acquitted? The persons who were found guilty had been convicted on evidence of a conspiracy to contrive the meeting. Neither judge or jury decided that merely being present at the meeting was an illegal act. He must therefore presume, for any thing that was shown to the contrary, that all the persons, except those convicted of a conspiracy, were perfectly innocent. He would call upon those who acted as magistrates and yeomanry to say whether the conduct of the magistrates and yeomanry of Manchester was an example which ought to be followed through the country. As the case now stood, it was a matter of doubt how they ought to conduct themselves; for some might think that they were not called upon to act, on looking to the conduct pursued by other magistrates; while some might conclude that they were, on looking to the example of the 16th of August. That was a point which ought to be settled by a decision of that House. His hon. friend had stated, that the meeting at York had sanctioned the legality of the meeting of the 16th; but that was not the case; the resolutions passed at the meeting alluded to did no such thing; and his opinion was, that whether the meeting was illegal or not, the manner in which it was dispersed was illegal and unconstitutional. But declining to give any opinion as to the legality of the meeting, he would say, that it was peaceable. He drew that inference from the depositions which had been read and from the evidence which had been given at the trial of Mr. Hunt, and even from the evidence which had been given against him. They had it in evidence, that the men came there attended by their wives and daughters from the distance of fifteen miles. Could any one suppose that they thought they were capable of overpowering the civil and military authorities, or, even if they did, that they would bring their wives and daughters in the contemplation of a contest? But then it was said that the peaceable inhabitants were alarmed: it was in evidence, however, that many persons went to the meeting through curiosity, and that among those there were many who were hostile to the purpose of the meeting. The judge had stated, over and over again, upon the trial, that the court had a right to examine into the conduct of the meeting, though not of the magistrates or the yeomanry. Another observation of Mr. Justice Bailey was, that there was no evidence to justify the employment of the military power. He would ask of those who maintained the contrary opinion, why was not Nadin called? Mr. Hay and Mr. Ecclestone were also at York; why were they not called to prove that the Riot act was read; and Nadin to prove that he could not execute the warrant? Mr. Stanley was also at that meeting, and in the room with the magistrates, where he could see what was going on as well as they could. This it might be said was no evidence, but it was as good evidence as any that was produced on the other side. Mr. Ecclestone had said, that from the moment the military attempted to work their way to the hustings, swords were up and swords were down, but whether they struck with the flat or with the edge he could not undertake to say. That was as good evidence of violence on the part of the military as any that had been adduced to prove the violence of the people. He did not mean to deny that in such an assembly there might be many persons anxious to excite them to violence, and excited themselves by wild and visionary projects; but every thing connected with the case had a tendency to prove that it was incumbent upon parliament to enter into an inquiry. An important conclusion to be deduced from the whole was, that if they wished to preserve the balance of the constitution—if they wished to preserve the prerogatives of the Crown and the privileges of the higher orders, they must interfere for the protection of the lower orders in the security of their rights and privileges. If this was not done, the people would soon begin to feel that they had no protector,

and that the House of Commons, instead of defending them was, subservient to the power and authority of others. If they wished to consolidate the power of the country, they would show to all ranks and orders of society, that they had an interest in supporting the laws and constitution, and that if those laws were not sufficient, the House of Commons was capable and willing to afford them redress. Should they decline to do so, he feared that they would loosen the bonds of society, and lay the foundation of consequences more injurious to the nation at large than it was possible for them to anticipate.

Mr. *Wilmot* assured the House, that if he did not consider that this was a question which was capable of being argued conveniently and conclusively within a much narrower compass than that in which it had been discussed in the course of the debate, he should not have risen, feeling as he did, that it was impossible at that late hour of the night to enter fully into the subject; yet, when he considered how deeply the character of the magistracy, the yeomanry, and even of the government itself was implicated, he trusted the House would not refuse to indulge him with a hearing for the very short time he should claim its attention.— With respect to one gentleman whose name had been mentioned by the hon. baronet, he thought it his duty to state, that whatever might be the opinion of the House as to his conduct in this instance, no person who had the pleasure of his acquaintance, could entertain a doubt as to the uprightness and humanity of his intentions. He alluded to Mr. Hulton, the chairman of the magistrates on that distressing occasion. He had known Mr. Hulton well in early life, and he appealed to those who also knew him, whether he was not distinguished for that manliness and high and generous spirit which were utterly incompatible with cruelty and oppression. They had heard a number of petitions read, which could not but have excited a considerable degree of regret, as they contained a melancholy detail of individual misfortune; but it appeared to him, that these petitions had been unnecessarily presented to the House, for if they once determined, as he had no doubt they would, that the magistrates, under the peculiarly trying circumstances of the case, were justified in calling in the military to aid the civil police, it would at once be seen, that the extent of casualty did not bear upon the merits of the case, at least not upon the conduct of the magistrates. With respect to the motion of the hon. baronet, he could not but express his astonishment that he should have thought it advisable or expedient to make it. He had avowed, not in covert expressions, or in ambiguous terms, but plainly and distinctly, that he thought the government, for purposes of their own, had sanctioned and encouraged the proceedings which had taken place. Upon that point he (Mr. W.) had a strong opinion, indeed he had the authority of an hon. and learned gentleman (Mr. Brougham) not inferior in character, ability, and talent to the hon. baronet, who stated on a late occasion, in the most explicit and public manner, that he did not think any person could have the folly to impute such conduct to any government; and he must repeat his astonishment, that the hon. baronet should have suffered his political feelings so to have blinded his common sense, as to suppose that the government of this or any country could act upon such self-stultifying and irrational principles.

With regard to the details contained in the depositions of the events of the 16th of August, the House must not put out of their view the unfortunate transactions of that day. He called them unfortunate, yet he thought it would not be a discreet or prudent measure, especially at this distance of time, to call evidence upon them to the bar of the House. There were other means much more satisfactory for eliciting the truth, which most inexplicably, in his opinion, had not been resorted to. When they recollected that there were only three public meetings from the month of January 1819 to June, and no less than fourteen between June and August, they must consider whether the poverty and distress of the people of Manchester and its vicinity did not make them of necessity the prey of agitators. The people were told that their wants and privations were owing to the defective form of their government—they were told, that to join in the overthrow of that government was the only mode of obtaining a redress of their grievances. He would ask the House, whether this was idle declamation? He could read the resolutions which were published on the subject: they contained all the attributes and characters of incipient treason. The magistrates having caused the postpone-

ment of the meeting of the 9th of August, what was the conduct of Mr. Hunt? Was it possible not to take into consideration his conduct and his words? He declared that the meeting of the 16th was to be considered as an adjournment of the meeting of the 9th. Then the hon. baronet asked, why not arrest Mr. Hunt? For the plainest of all possible reasons, Mr. Hunt was at that time guiltless of any overt illegal act. The meeting of the 16th of August was a meeting legally convened, precisely the contrary of that which was intended to have been held on the 9th inst. But when the House recollected that Mr. Hunt came to the meeting of the 16th of August, accompanied by an immense multitude marshalled in military array, deploying upon the town from various points and advancing with measured steps in regular order and displaying eighteen flags, five caps of liberty, and numerous banners with seditious mottos and legends inscribed on them—and these were facts which he did not state upon light authority, but upon evidence which he was disposed implicitly and unequivocally to believe—he could not for a moment suppose, that the English law could contemplate such a meeting as one that bore a legal character: and, in fact, a grave, unsuspected judicial decision had confirmed the opinion of its decided illegality. He would then beg leave to call the attention of the House, to the very difficult situation in which the magistrates were placed, when, believing it to be their duty to prevent mischief, they arrested Mr. Hunt; and here was the difficulty: the unfortunate casualties that occurred were matters of fact, though highly exaggerated in many quarters. The mischief that might have ensued had the meeting been permitted to continue, and the people been taught their own power, and the alarms of the constituted authorities—that mischief, incalculable as it might have been, was, it seems, wholly to be set aside as a negative quantity in any analysis of the proceedings of that day. It did not by any means follow, that the magistrates, in availing themselves of the military power, could have contemplated the unfortunate scene which afterwards took place. Such were the transactions, and the state of affairs at Manchester, at the moment when the magistrates, being informed that the civil power were incompetent to effect the arrest of Mr. Hunt, gave orders for the co-operation of the military. He would say it was not for them to disconnect the meeting of the 16th of August with the circumstances of the former proceedings, or to disconnect them with the state of the public mind at the time. The noble lord (Milton) had said, that up to the moment when the military interfered, the meeting was orderly and peaceable. It might be peaceable, but it was the peace of the thunder-storm, which advances slowly on with dark and lowering aspect, which may pass away, but which more probably may burst upon you with all the rage and fury of the tempest. The discretion to be exercised by the magistrates was a painful one. It was impossible not to feel for them. If they found that the men who were instrumental in giving this order to the military were men of humanity, it was impossible that any motive could be attributed to them but an imperative and overbearing sense of duty, which in a complete degree justified the satisfaction expressed by the ministers of the Crown. Could it fairly be supposed, that the satisfaction expressed by ministers, meant any thing like rejoicing at the events which had taken place? No; but it was a source of satisfaction to find that English magistrates would consent to take upon themselves such a responsibility at such a moment. Was it possible that any man could have contemplated the infliction of wounds on persons of the other sex, on the aged, or on children? Be it remembered too, that the necessary precautions were not omitted; for the circumstances were such as to create a deliberate belief that the treason had arrived at a height which made it uncertain what might be the result. The hon. baronet had stated, that the responsibility of the magistrates was a grave responsibility; and he had reminded them of the denunciation in Holy Writ, that "whoso sheddeth man's blood, by man shall his blood be shed;" but this denunciation was not to be construed literally; for if it did, it would impeach that blood which was shed by the sword of justice; and, in this instance, if the magistrates were justified in calling in the military, they were not responsible for the accidents that occurred, and the transaction must be considered as one sanctioned by the law, and, as such, included in the exercise of justice on a more extended scale.

The hon. baronet had complained, that the liberties of England had passed away; but he thought that the very circumstance of his having made this complaint this night in such a tone as he had employed, was a sufficient disproof of the assertion. He would say, that those on whose heads the vengeance of the law ought to fall, were those who took advantage of the distresses of the people of the country, in order to gratify their own malignant or ambitious views. He thought, with regard to the hon. baronet, that he stood acquitted of any improper motives, because the very men whom he supported were those who stigmatized him as a false patriot, as a mere charlatan in politics, and who vilified him in the same terms which he himself employed to vilify his majesty's government. The hon. baronet had quoted an adage, "Voluntas et propositum distinguant maleficium." Let that test be applied to the conduct of the magistrates assembled at Manchester, who were improperly termed, Manchester magistrates, and let that test be conclusive. He really thought an inquiry at the bar of the House, would be attended with the most prejudicial consequences: instead of supporting and consolidating the bonds of society; instead of strengthening the link that connects the people with the magistracy, the governed with the government, it would destroy that union, and place them in a state hostile to each other. Of this he was persuaded, that a more honourable body of men than the magistracy, not only at Manchester, but throughout the country, could not be. He had not yet heard it satisfactorily explained, why it was so difficult to prosecute any act of violence that had been wantonly or unjustly committed. If the grand jury had thrown out one or two bills, that was no reason why others might not have been preferred; and he would ask whether this subject would not have come with more propriety before the House if it had been founded on three or four verdicts. The hon. baronet had said, that the memory of this day would never be forgotten; and he had talked of the "Immortale odium et non sanabile vulnus:" certainly, that odium would be immortal, that wound would never be healed, if there was no statute of limitations for grievance, and if the hon. baronet was to come down here every year, and repeat this studied series of accusation and invective. He trusted, however, that the time would soon arrive, when the odium of the transactions at Manchester would attach on their real authors—those men, who endeavoured to set the laws at nought, and the government at defiance—Who

> "Give the warm people no considering time,
> "For then rebellion might be deemed a crime."

He hoped, when these transactions should be dispassionately considered, that there would be but one prevailing sentiment with respect to them, and that although it might be deemed an unfortunate period when such measures were resorted to, yet that it would be thought still more unfortunate, that evil and designing men should have been suffered to induce and provoke the people to seek their own destruction as involved in the destruction of the government.—The hon. member concluded with expressing a hope that the time was not far distant, when, contrary to the prediction of the hon. baronet, the people of England would feel and acknowledge that the magistrates of this country had no other desire than to do their duty, and that the magistrates assembled at Manchester, had acquitted themselves conscientiously in the exercise of a severe and painful discretion.

Mr. *Denman* rose amidst repeated cries of adjournment. He said he was sorry to trespass on the attention of the House at so late an hour of the night: he knew that the word "adjournment" had in it a magic charm for the ears of gentlemen at that hour, but after witnessing the effects of an adjournment upon the decision of an important question in some recent instances, he hoped nothing would induce his hon. friends to risk the experiment on the present question. He could have been content to leave the question to the effect of the powerful speech of the hon. baronet who opened the debate; for notwithstanding the eloquent speech they had just heard—notwithstanding the detailed statements of the hon. member for Dover, he was confident the House could not but feel as he did, the utmost astonishment and indignation at the determined silence of his majesty's ministers, not one of whom had ventured to speak in reply to the charges of his hon. friend, which yet remained unanswered and wholly unshaken. The hon. member for Dover had stated, that it might be possible that in the alarm of the moment the magis-

trates had committed certain acts which required apology. To that plea he should have had no objection: but it was not now a question of apology, but of praise—not a question of indulgence, but of reward. Another hon. gentleman had said, that the individuals who had suffered on the 16th of August were to be considered as having suffered under the sword of justice. If such doctrines were not immediately reprobated, all the magistrates who were warmed and encouraged by his harangue, might go into the country with that sword in their hands, and sheath it in the bodies of their countrymen, whenever a questionable meeting was held in their neighbourhood, and they had a military force to back their interference. With regard to the Manchester massacre, he considered it to be an event which was more deserving of compassion, than of being held up as an example worthy of imitation. He offered the magistrates who acted on that unfortunate occasion his compassion for having been made the instruments of the slaughter of their fellow-countrymen; but he must withhold from them his praise. He cared little whether the depositions which the hon. member had read were made at the time when they were said to have been made, or whether the Riot act had been read to the multitude, because they had not been produced in evidence on the trial at York. If the government could have proved those circumstances, he had no doubt they would have done so; for he could not for a moment admit the excuse made for the learned judge who had presided at that trial, that he, to prevent a waste of time, had not allowed those questions to be gone into. One objection made to an investigation by the House on a former occasion was, that the riot, and all the circumstances regarding it, would be proved upon the trial. The trial had now taken place, and no such riot was proved; and yet even now those assertions of riot were reiterated, upon nameless affidavits sworn before no proper authority, subjected to no cross-examination, and against which no indictment for perjury could lie. It was stated on a former occasion, that it was not right to take any step that might prejudice the case, as if the thanks of the prince regent and the declared congratulations of his ministers, had not rendered it almost impossible to obtain a fair trial. Nay, even the attorney and the solicitor-general had been employed in the court of King's-bench to resist the reasonable application of Mr. Hunt to have his trial removed from a county where the very magistrates whose conduct was in question might sit as jurymen upon his case. He charged the government with having given the instructions to the magistrates on which they had acted that day; for he could not think it possible that they would have otherwise departed from the usual course pursued by the magistrates of this country upon similar occasions; nor could he otherwise account for the premature, precipitate, and unfeeling satisfaction expressed by his majesty's ministers in that odious letter of lord Sidmouth, when all they knew of the case was that blood had been shed. In the answer to the address of the city of London, praying for inquiry into the transactions at Manchester, the prince regent was made to say, "With the circumstances that preceded that meeting you cannot but be wholly unacquainted." Why, he would ask, must they have been more so than the hon. member for Dover, or than ministers themselves, who had had no time for inquiry? "The tribunals of the country are open; and any inquiry of an extra-judicial nature, under the circumstances of the case, could not but be attended with considerable inconvenience to the interests of justice." Why! at that very time when that answer was given, an extra-judicial inquiry, set on foot by the government, was carrying on in secret at Manchester. The solicitor of the Treasury was then busily employed in hunting out secret information into the conduct of Mr. Hunt and his associates. Why might not an inquiry have been also instituted into the conduct of the other parties? This was a specimen of that impartiality and neutrality which they too often witnessed on other occasions—it was that sort of impartiality which always found the strong in the right, and the weak in the wrong—it was that neutrality which always sided with power against right. When parliament met, and the subject was introduced into the discussion on the address, all interference, all discussion of it in parliament was deprecated, lest it should prejudice the pending judicial inquiry. But, what was the sincerity of such a plea from those who had dictated the thanks of the prince regent to one of the parties? The trial at length came

on; when nothing was heard of the defence which had before been set up, no appearance of the waggon loads of stones, no account of pistols fired on the ground, no statement even of a magistrate being thrown on the ground and trampled on in attempting to read the Riot act. Nothing of all this appeared at the trial; and he was at a loss to know for what purpose these stories were now again revived. It was not for the purpose of ascertaining how many persons were actually received into the Infirmary; it was not for the sake of proving the number of sabre wounds inflicted; it was not with a view even of awarding relief to the unhappy sufferers—but it was to vindicate the laws and constitution of the country from the wrong they had sustained, that his honourable friends pressed for inquiry. It was a case in which the House was particularly called upon to show its independence, by proving its anxiety to have justice done to the country. His hon. friend had been charged with want of candour in not bringing forward his motion before: but how could he have done so? Last session a strong interest was newly awakened on another subject of importance. When inquiry was proposed, it was urged that such an inquiry could not be conveniently pursued in that House; that the forms of the House were ill adapted for the examination of witnesses; and that it never attempted to proceed into an inquiry by evidence, without involving itself in disgrace. And, at what period was it that this argument was urged? It was at the very time when those who urged it were willing to subject an injured woman to such an inquiry: it was when they were sweeping the hotels of Germany and Italy of pimps and panders to swear their foul and perjured calumnies against the character of a lone and defenceless female: it was when they had determined through such an ordeal, to drag the queen of this country to that fate from which she had been rescued by the people of England. It was thought by some, that the time had gone by for the proposed inquiry, and that the subject ought to be allowed to drop and be forgotten. But, if the House of Commons were inclined to drop the subject, had ministers shown any such disposition? Had they not thought proper to pursue the hon. baronet with respect to it? If they had been disposed to drop the subject, it would surely have been no excess of indulgence if they had allowed that prosecution to drop also. Instead of that, they had kept it alive amidst difficulties; they had selected the place of trial, which was not where the alleged offence was committed. The trial being over, one of the judges entertained a doubt of the greatest magnitude, as to the legality of the jurisdiction. The prosecutors, however, persevered, and the sentence was pronounced by the lips of that very judge who had delivered a clear and admirably reasoned opinion, that the court had no jurisdiction to try the alleged offence. At that late period of the night he would no longer detain the House. He was quite satisfied, that in refusing the proposed inquiry, the House would play the game of those whose wish it was to degrade it. If they were desirous not to do this, they would not shut their eyes to the clear statement of grievances which had been submitted to them.

The *Solicitor-General* observed, that his hon. and learned friend had expressed his surprise that no person connected with government had risen to offer his opinion on this most important question; and had not merely insinuated, but boldly asserted, that the magistrates of Manchester had proceeded under the immediate directions and orders of government. That assertion he took upon himself confidently to deny. He distinctly affirmed, that although his majesty's ministers felt it to be their duty to support the magistrates, not doubting they had acted conscientiously, yet they were in no way personally responsible for that conduct on the part of the magistrates, which they had not directed, and of the intended nature of which they had no previous knowledge. He regretted that his hon. and learned friend had introduced into his speech, subjects perfectly unconnected with the question, for the purpose of inflaming the passions of the House, and through the House the passions of the country against his majesty's ministers. Among others, he had revived a question which it was for the happiness and interest of all parties that it should be buried in oblivion. He could assure the hon. and learned gentleman, that ministers were not at all ashamed of the part they had acted on that subject. They had discharged a painful but imperious duty. They had discharged that duty faithfully and conscientiously; the House

had already decided on their conduct; and it was for the country to determine whether that conduct had been in any respect censurable. The hon. and learned gentleman had also censured his hon. and learned friend and himself for the part which they had taken in a much more humble proceeding—he meant in resisting the application of Mr. Hunt to remove his trial from Lancaster. After much consideration, his hon. and learned friend and himself had felt it their duty to resist an application which had been made in an unprecedented shape; for they thought that they could not acquiesce in that application without passing a censure on the whole body of the inhabitants of the county of Lancaster; for the application could be made only on the ground that a special jury of the county of Lancaster would not do its fair duty. If they had acquiesced in that application they would have done what he imagined no hon. gentleman believed they would have been justified in doing—they would have subscribed to the justice of the imputation cast on the county of Lancaster. Under these circumstances, he put it to the candor of the House, whether the hon. and learned gentleman was justified in making an attack on his hon. and learned friend and himself. The hon. baronet also had made some personal allusion to him (the Solicitor-general) of which he did not profess exactly to understand the object. He did not know whether it was made in the spirit of courtesy, or in that of hostility; if the former he would receive it as such. The hon. baronet had no right to complain of him. He had not the honour of the hon. baronet's acquaintance; and in public had done nothing which ought justly to give him offence.—The hon. baronet had, in his opinion, adopted a very extraordinary course. Shortly after the transaction in question, a motion similar to the present had been made in the House. The subject had been canvassed and discussed at great length, and, after an adjourned debate, a great majority—in the proportion of 381 to 150—refused to agree to the motion. He by no means intended to say that that decision was of necessity final: but that session had passed away without a renewal of the subject. Another session had followed, in which the hon. baronet gave a notice, which he adjourned from time to time, and ultimately abandoned; and, that too, after the trial of Mr. Hunt was over. But now, after that abandonment, on a subject which had been so frequently discussed, with no alteration of the circumstances oft he case (except that the meeting had been declared illegal), and at the end of the third session, at a period when, according to the ordinary limits of a session, the inquiry could not, if commenced, be brought to a close in the session, the hon. baronet again proposed an inquiry at the bar of that House!

Let the House consider for a moment the history of the proceeding. It had been declared by all the public meetings held immediately after the occurrences at Manchester that the Manchester meeting was a peaceable and legal one. It was not until the subject had been brought forward in parliament, that every one, with the single exception of the hon. and learned gentleman, pronounced the meeting illegal. Both sides of the House expressed that opinion. The question then came on in a court of law; a trial took place, and it was at once decided that the meeting was an illegal meeting. Nor ought it to be forgotten, that that trial took place under circumstances of advantage to the accused, never before possessed by individuals in their situation. When an application was made to the court of King's Bench by Mr. Hunt to remove the trial to some other county than Lancaster, the Court (and so far was he from blaming them, that he highly applauded their conduct) acceded to that application, and gave the applicant the extraordinary benefit of choosing the county in which he would be tried. Mr. Hunt very properly and prudently chose the county of York. He did not find fault with that choice; on the contrary, he rejoiced at it. It was certainly impossible to find in any county juries more disposed to do impartial justice. He might appeal to his hon. and learned friend (Mr. Scarlett) who had conducted the case in question with so much fairness, judgment, talents, and eloquence, if it were possible to select a jury more judicious and impartial than the particular jury by which that case was tried? It was not composed of friends of administration, but contained many individuals who were decidedly opposed to the measures of government; and yet that jury, without any difficulty, came to the conclusion, that the meeting which had been held at Manchester was illegal. If so,

therefore; if that meeting was illegal, the question was, whether the magistrates were not justified in issuing a warrant for the apprehension of Mr. Hunt, the leader of the meeting, and in using means to enforce its execution? He was quite ready to admit, that even in a legal act an excess might take place, justly amenable to the laws. But what he contended for was, that as far as the magistrates and the military were concerned in the instance in question, no blame was justly imputable to them; or if it were so, that the House of Commons was not the place in which the subject could be properly considered. If the magistrates and the military had been to blame, the courts of law were open to the parties complaining; but the House would observe, that from any such appeal they had studiously refrained.

In looking at this subject, he must go back one step. He must go back to the Smithfield meeting; because, as the House well knew, that meeting was formed and assembled in concert with the reformers of the North. At that meeting, which consisted of many thousand persons, Mr. Hunt presided, and proposed those celebrated resolutions which were afterwards sent down to be proposed at the meeting at Manchester. Among other treasonable passages which those resolutions contained, was a declaration, that the House of Commons had acted so infamously that, it was not entitled to the obedience of the people after the 1st of the ensuing January; and another declaration, that the debt infamously called national, could not be considered binding on the people. Was he wrong in characterising those declarations as treasonable? The object of the meetings at those periods was simultaneously to bring the physical strength of the country to act for the purpose of overturning the government and the constitution. No one who recollected the publications issued, not anonymously, but with the sanction of the names of their authors, could for a moment doubt of the treasonable nature of the doctrines and projects then afloat. At the time of the Smithfield meeting, there was not a week but two or three meetings, consisting of thousands of persons, took place in the principal towns of Lancashire and Yorkshire. They were directed by the same individuals who directed the meeting at Smithfield; they agreed to the same resolutions; and the object of the whole was perfectly obvious.

He had stated all this to show that it was the duty of the magistrates at Manchester, when such opinions were openly avowed at a general meeting in that town, to entertain alarm as to the consequences likely to result. A circumstance much calculated to increase that just alarm was the drillings which nightly took place in the county of Lancaster, the existence of which had been fully proved by the subsequent trial and conviction in courts of justice of persons charged with that offence. Although the persons drilled might not use arms in their exercise, it was well known that arms were secretly manufactured for the purpose of being placed in the hands of those persons whenever their projects became mature. Such, then, was the state of the country; a state perfectly known to the magistrates of Manchester. He would ask any one, whether, in such a situation, deeply interested as they were, and as country gentlemen, not profoundly versed in the law, their conduct ought not, under any circumstances, to be viewed with indulgence? They had no power to prevent the meeting because they could not anticipate the numbers which it was intended to assemble. To divide the civil force, for the purpose of stopping in various directions those who were assembling, would have been an imprudent measure. They took their post, therefore, near the place of meeting, that they might watch the proceedings; and they prepared a military force for the purpose of counteracting any violence that might be offered. Mr. Hulton was chosen the chairman of the magistrates; and he appealed to every man who heard him—and who knew that gentleman,—whether an individual of higher character for integrity, firmness and humanity, existed in his majesty's dominions [A laugh.] Notwithstanding that sneer, he would confidently repeat his assertion. Mr. Hulton was chosen the chairman of the magistrates, and no better qualified person could have been selected. When Mr. Hunt arrived on the ground, the magistrates thought proper to issue a warrant for his apprehension. For this step they had abundant reason. They knew that great alarm existed in Manchester: that the shops were all shut; and that business was at a stand. But they were not satisfied with those facts. They received the depositions of above thirty eyewitnesses of the dangerous character of the meeting; and they then felt them-

selves bound to act. Indeed, if they had not done so; if under those circumstances they had not issued their warrant for the apprehension of the leader, they would have been guilty of a gross dereliction of their duty, which would have rendered them amenable to the laws of their country. When the warrant was committed to Nadin, the chief constable, he said that he could not execute it without the aid of a military force. It should be recollected, that the line of communication which the magistrates had directed should be kept up between their place of assembling and the hustings had been broken in upon by the mob. That circumstance, and Nadin's representation, induced the magistrates to order the military to interfere; and he repeated, that if they had not done so, they would have been guilty of a breach of their duty. The hon. baronet had asked, why the yeomanry had been selected for that service? They had not been selected; their employment was purely accidental; they had arrived first at the spot, in consequence of the regular cavalry having been obliged to take a circuitous rout. They had not, therefore, been chosen by the magistrates from any improper motive; but their employment was entirely accidental. The magistrates having given these orders, had nothing more to do with the transaction. But with regard to the military, he was quite satisfied, both from what had come out during the trial at York, and from the result of all his subsequent inquiry, that at the moment at which they arrived at the hustings they were assailed both with sticks and stones. The hon. baronet had charged him with incorrectness in having asserted that some of the yeomanry had been unhorsed. He had never used the word "some." He had spoken of "one" of the yeomanry, a gentleman of the name of Hulme, and he had said that Mr. Hulme had been knocked off his horse by a brickbat; a fact which had since been established by proof. What followed? It was said, that the soldiers had been guilty of excesses. If so, that was not the result of any order from the magistrates. But he was convinced that what had taken place had been grossly exaggerated, for the purpose of inflaming the country. He knew a little of the means taken for that purpose. He knew a little of Mr. Charles Pearson, and of the means which he had used. Among other things, Mr. Pearson had stated, through the medium of the public press, that one man, whose shoulder was dislocated, and who had received a sabre wound, had been carried to the Infirmary; but that in consequence of his having dropped some words expressive of disapprobation of the conduct of the magistracy, he had been turned out of the bed in which he had been previously placed, and compelled to walk six miles to his home. No sooner had this story been promulgated, than the medical officers and the governors of the Infirmary met to inquire into the subject, when it appeared that the whole was an infamous fabrication, put forth to inflame the public mind. In another instance, this Mr. Pearson, who had been the principal agent of the reformers, had moved for a rule against Mr. Warren, for refusing to take evidence; but, upon hearing, the Court had refused the rule, and awarded Pearson to pay the costs. As to the statement of another individual whose petition had been rejected that night, it was only necessary to refer to it, to show its falsehood. There were no limits to the fabrications of that individual He had actually stated, that the fact of Birch, the constable, having been shot, was an invention. He remembered a petition having been presented to the House, signed by 3,000 persons of Oldham, complaining of an outrage committed on the people of that place by the military. An inquiry took place on that occasion. A prosecution was commenced, not against the soldiery, but against the people for an attack on the soldiery, and they were tried and convicted. It was true that bills were preferred before the grand jury against the yeomanry for wilful murder, and they were thrown out; but not until after the fullest consideration of the grand jury. They were preferred on the following assizes to another grand jury, and met the same fate. On this account it was said that no redress could be obtained from the grand juries. Allowing it was so, there was not a person who had been hurt illegally that could not have brought his action of damages. He might be asked what pecuniary means they had to bring actions. The hon. baronet could answer the question, by telling them he had contributed largely to a fund for that purpose; and that fund, he was informed, was under the charge of a committee, who advertized for grievances. Sufficient funds were provided, but not a single action had been brought. If the magis-

trates had acted illegally, or the soldiers had been guilty of wanton excesses, would there have been any difficulty in obtaining justice? If there was any case where wilful murder could be proved, whether the party was killed by a soldier, or any other individual, could there be any doubt that an inquiry followed up by punishment would long ago have taken place? And yet they were told that inquiry in the way proposed by the hon. baronet ought now to take place. Could any hon. member consider it possible that an inquiry could take place in that House, where 600 persons would have the right to ask questions of a witness, and to sift his evidence? He was convinced, if such an inquiry was entered into, that it would not end in a satisfactory result; but he contended that further inquiry was unnecessary, as the question had been completely settled by the decisions of the courts of law.

Mr. *Philips* said, that the peculiar circumstance of his residing where the meeting took place, must be his apology for rising at that hour of the night to address the House. He had considered it his duty to get at the knowledge of the facts of what took place at the meeting before he had made up his mind as to what occurred on the 16th of August. Much had been said as to the state of the county of Lancaster before the meeting took place: he agreed with the hon. member for Dover, that the neighbourhood of Manchester required great care at that time, as he knew that trainings took place in the day-time; he had no doubt but they were illegal, and was of opinion that the magistrates ought to have put them down. There was no doubt but the magistrates thought that the meeting of the 16th of August was legal. He was convinced it was the determination of the people to be peaceable on that occasion; and no doubt they would have been so if they had not been so cruelly attacked by the yeomanry. He had inquired of a great many persons, who went there as spectators, and were not connected with either party, and could state, that the meeting was quite peaceable until the advance of the yeomanry; but the scene that followed, as described by those who saw it, was sufficient to excite horror. He knew persons who had placed themselves near where the magistrates had stationed themselves, and they never understood that the Riot act was read. A Mr. Stanley, a gentleman of the greatest honour and respectability, had informed him, that he was situated at a window in the house where the magistrates were assembled, and that he could see a line or passage from the house to the hustings, and his opinion was, that there was nothing to prevent the warrant against Mr. Hunt being executed by the civil power. He also spoke most decisively as to the ill-treatment Mr. Hunt had received, and the cruelty of the military to the mob. Mr. Stanley added, that as far as his observation went, the representation of the transactions in "The Times" newspaper was correct. As far as he (Mr. P.) had been able to ascertain, the people had armed themselves but little before the 16th of August: if arms were discovered anterior to that date, he believed they had been deposited by spies and informers. He was ready to admit, that after the 16th of August the people armed themselves extensively, with a view to their own protection. To this day it was unknown who had ordered the yeomanry to advance. This of itself deserved investigation; and the whole case, for the sake of the liberties and security of the people demanded inquiry. With regard to the rejection of bills by the grand jury of Lancashire, he meant to cast no reflection upon the members of that body; but, in reflecting on the grounds on which they might have thrown out the indictments, it was but fair to take into consideration the state of parties and of political feeling in the county. From their influence it could not be expected that grand jurors would be altogether exempt. Many doubts had existed with regard to the legality of the meeting; and if it were illegal, they might entertain an opinion that those who had been present were liable for the consequences of attending it, and ought not to be the prosecutors of bills to punish those who had inflicted injuries among them. He did not say that such had been the ground on which the decision of the grand jury had proceeded; but it did not seem at all improbable that some such notion might have operated upon them. Upon the whole view of the case, he thought the motion of the hon. baronet highly expedient.

It being now three o'clock in the morning, the debate, on the motion of sir Robert Wilson, was adjourned till to-morrow.

HOUSE OF COMMONS.

Wednesday, May 16.

Motion respecting the Transactions at the Manchester Meeting.] The adjourned debate being resumed, the question was again put, "That this House will resolve itself into a Committee of the whole House, to inquire into the Transactions which took place at Manchester on the 16th of August 1819."

Sir *Robert Wilson* rose. He said, it was perfectly consistent with the official duty of the hon. and learned member who had spoken last but one on this subject—he meant his majesty's solicitor-general—to do the ministers all the service he could, by vindicating the magistrates and yeomanry from the heavy charges which had been brought against them. It was natural for that hon. and learned gentleman, in the view which he took of the events of the 16th of August, and of those immediately preceding them, to describe the conduct of the magistrates as upon all occasions temperate and judicious, and that of the people as irregular and criminal—or, if not criminal, as very little short of it in intention. But, notwithstanding his talent and his ingenuity, he had not succeeded in disguising the hideous deformity of the Manchester massacre. It was unnecessary for him to analyze all the arguments which that hon. and learned gentleman had used; it would be enough for him to show that sufficient grounds were laid for an inquiry. It was not necessary for him to refute all the statements of the other side; it would be enough for him to show that there were counter statements. At the same time, he could not help noticing the attempt which had been made to introduce into the discussion evidence which the other side had not dared to offer to a court of justice. The solicitor-general had formerly told them, that the best way of obtaining a fit decision upon the question would be by bringing all the evidence which bore upon it into a court of justice. The solicitor-general now disdained to follow his own advice, and brought forward testimony which his employers had carefully withheld from the proper tribunals. Those employers on a former occasion had triumphantly taunted the friends of the people with being loth to enter the courts of justice, and had said, that whenever they did so, the emptiness of their accusations would be made apparent to the world. As a proof of this, they referred to the bills which had been rejected by the grand jury of the county of Lancaster. The solicitor-general had even said in distinct terms, "Surely no attempt will be made to impugn the grand jury of the county of Lancaster, of which so respectable an individual as my lord Stanley was chairman." He certainly had no intention to impugn either the conduct or the character of that noble personage: on the contrary, there was not a man in the House to whose honour he should be more ready to intrust his fortune or his life. But he must observe, in the first place, that it was extremely hard to throw the responsibility of the grand jury upon that noble lord, as it did not follow that he approved of all its proceedings, though he formed a part of it. It was possible that the grand jury, without any criminal intention, might have taken an erroneous view of the law of the case. They might have supposed that the bills for murder could not be sustained against the yeomanry, because they had acted under the command of a superior authority. Indeed, something had fallen from the noble lord when he (sir R. W.) had presented a petition to the House yesterday, that confirmed him in the idea that something of that nature had actually taken place. When the petitioner had offered to show the noble lord the wound which he had received, and the blood which had flowed upon his coat, the noble lord had declined to examine into that circumstantial evidence, because those appearances were not at all connected with the circumstances which had determined the grand jury to reject the bill. Now, he would contend that, if the merits of that bill rested solely on the treatment received by the complaining party, the grand jury were bound to examine into those circumstances. Their refusing to do so convinced him that the grand jury had thrown it out, more upon political than upon strictly legal views. Again; they had been asked, if the facts which they stated had occurred, and murder had been committed, why had no coroner's inquest given a verdict of murder against either the magistrates or the yeomanry? The House, he was certain, would recollect that a majority of the persons who sat upon the inquest at Oldham, had declared that, if they had been allowed to give in their verdict, they would have given a

verdict of murder against the yeomanry. It was hard upon them to be told that they had not established their case, when the coroner had prevented a verdict from being given in favour of it. Could any man believe that that officer, in so doing, had acted upon his own responsibility alone? Would he have dared to have adjourned the inquest to so late a period as he did, unless he had known that he was to be shielded by ministerial influence?—But then they were told that a civil action might have been brought by the injured parties, and that the question might thus have been determined. Gentlemen talked about these poor people going to law, as if law were a cheap article! What was the fact? A subscription had been opened to relieve the sufferers at Manchester, and also to obtain redress for their grievances; which subscription produced the sum of 3,408*l.* The law expenses for the conduct of the Oldham inquest amounted to 1,077*l.* and the trial at York cost 710*l.* without including any remuneration for Mr. Harmer, who had acted gratuitously. The small remainder, therefore, was to be divided among the 620 sufferers on that memorable day. The hon. member for Newcastle had observed, that if only one or two convictions had been obtained, there might have been some ground for the present motion; but if the parties injured had proceeded and had succeeded in a single case against the military or the magistrates, the answer would have been, "the courts of law, you see, are open to you, and the House never interferes in cases that can be remedied there." The gallant member then touched upon the law with regard to the dispersion of the meeting of the 16th August, admitting that the lowest parish officer might disturb any illegal assembly, but he must do so by legal means. No unnecessary violence or precipitation must be used; the law always required the exercise of a sound discretion, not only in magistrates, but in sheriffs, and in every person placed in any degree of authority. In every case, whether it were the arrest of a criminal or otherwise, only the quantum of force required might be used, under a responsibility for the consequences. The same discretion was required even in soldiers: they could not obey positive orders to do what was unlawful. Why was captain Porteus convicted? Not because he fired on the populace, but because he persevered, and showed a disposition to destroy, not to preserve the lives of his fellow-citizens. He then vindicated the commission appointed by the committee in London to distribute the subscriptions for the sufferers at Manchester. He maintained that it was composed of men of the highest character and honour, who had acted with the utmost zeal and integrity. It had been said that they went to Manchester for the purpose of inflaming the public mind. In opposition to this assertion, he begged leave to read the instruction given to the commissioners by the committee in London, of which body he was one.—The committee particularly enjoined them to abstain from giving any opinion as to the culpability of any of the parties who inflicted on the sufferers their misfortunes; and they added, that the business of the commissioners was merely to ascertain the circumstances and claims of the individuals requiring relief. With regard to the documents read to the House by the hon. member for Dover, confirmed, as was said, by voluntary oaths, he had caught among the names that of Burley; and he begged to ask, what reliance could be placed on the assertion of one of the parties accused of having acted most unjustifiably in the course of the transactions? The statement, that stones were seen in the air was equally incredible especially as it was directly contradicted by the evidence of the rev. Mr. Stanley, to whose narrative an hon. gentleman had last night referred, but perhaps without producing the impression it deserved. He therefore, begged to call the attention of the House to a few passages in that narrative. It appeared that Mr. Stanley was in a room above the magistrates, and he spoke to the fact of a line of constables being established between the magistrates House and the hustings. Even Mr. Hay, in one of his despatches, admitted this fact. A few minutes after Mr. Hunt arrived, there was a cry of "the soldiers are coming," and the yeomanry arrived at full gallop. The reverend gentleman then proceeded thus:—"For a few paces as they advanced, their movement was not rapid, and it seemed to show an attempt to follow the officers in regular succession, five or six abreast; but they soon increased their speed, and with a zeal and ardour that might naturally be expected from men acting with a delegated power against a foe, by whom they had been long insulted with taunts of cowardice,

they continued their course, seeming individually to vie with each other who should be first." This at least showed the *animus* of the yeomanry. The rev. gentleman then went on to speak of the situation and case of a woman who had been rode over in the field, and in whom he saw no signs of life. After describing the scene of terror and confusion that took place on the attack of the military, he added, "I saw nothing that gave me the idea of resistance, excepting on one or two spots, where the people seemed disposed not to abandon their banners." Before the meeting he had seen no symptoms of disturbance, or of an intention to break the peace; but after the dispersion, the feelings of the people were entirely changed. Then he heard the expressions "to-day you surprised us; but another day will come, and that shall be ours." The last paragraph in this statement to which he would draw the attention of the House was the subsequent:—"I have heard that the cavalry was assailed, upon respectable authority, by stones thrown during the short time they halted before their charge. What a person says he saw, must be true; but I saw nothing of the sort, though my eyes were fixed steadily on the yeomanry, and I think I must have seen any stone larger than a pebble. Indeed I saw no missile weapon during the whole of the transaction." The hon. member for Dover did not venture to say when the cavalry were attacked: if after the charge, it was a measure of justifiable self-defence; but he should always maintain, that the populace had not done their duty as British citizens in not resisting the aggression of the military. With respect to the motion, the people of England called loudly for inquiry: all Europe had witnessed with astonishment that in this land, so jealous of the lives of its citizens, so jealous of the interference of the military, no investigation had yet taken place. The solicitor-general had kindly proposed to pass an act of oblivion over the whole transaction; ministers were willing to forget and forgive—to forget and forgive the offences of the 620 wounded and maimed wretches who had suffered beneath the sabre and the hoof on the 16th of August—to forget and forgive those who had approached parliament with their complaints. This was indeed a climax of benevolence and generosity. Was it possible to cover the whole with the veil of oblivion? The law of Moses, "a tooth, for a tooth, and an eye for an eye," had been spoken of; but the hon. baronet did not by his proposal require blood for blood, but merely that inquiry should be made where the blame ought to rest. If it was rejected, it would be a decisive proof of the contempt in which ministers held public opinion—a memorable and scandalous proof of the degraded state to which the country was reduced, when such contempt was allowed to be evinced. He trusted that this House would not involve itself in the infamy of the last parliament by rejecting this motion: it had now an opportunity of restoring the government of the laws—of restoring confidence in the law: if it neglected it, submission might be obtained; but it would be the submission of prudence and apprehension, not of affection and allegiance.

Sir *W. De Crespigny* said, he felt for the sufferers at Manchester; but he felt also for the British parliament, which, he hoped, would not go down to posterity with the stigma of having passed over this disgraceful transaction without inquiry. The hon. baronet proceeded to read a narrative of the events of the 16th of August, which he had obtained from an individual of the highest respectability who was present. It corroborated, in the chief points, statements which have already appeared, describing the meeting as of a most peaceable description, until the violent attack of the yeomanry produced the disorder which led to the fatal events of that day. The paper was from a gentleman in orders, named Wimbush, who had been an hour and a half on the ground, and gave a frightful description of the havoc committed on the multitude, whom he compared to a flock of sheep devoted to the slaughter. He also stated, that the avenues through which the people attempted to fly were closed by the military, who, in a threatening attitude drove them back, and he fled for refuge into the House of a friend. The allegations contained in this paper, would, if necessary be supported at the bar by the gentleman who had written it. Sir William said, he had himself been at Manchester a few days after the 16th of August, and had, from his inquiries, every reason to believe the statement in the narrative correct.

Mr. *Tynte* rose to eulogise the yeomanry as a most valuable and peculiarly constitutional force. He was himself a

yeomanry officer, and in the county in which he resided, there having been, some time ago, an apprehension of popular tumults, he had received an order from the secretary of state's office to put himself under the orders of the magistracy. He believed the yeomanry, therefore, to have acted under a sense of duty which was imperative on them, and he believed them to be the only party that could be entirely exculpated. It was his opinion that the mob, the magistrates, and even the government, had been on that occasion misled.

Mr. *Becher* said, he had hitherto given a silent vote in favour of every motion for inquiring into the unfortunate affair at Manchester, and he should have still preserved the same silent manner of recording his opinion, were it not that, both within and without the walls of parliament, the motives of gentlemen who thought as he did had been misrepresented. It was insinuated, but most erroneously, that those who disapproved of the dispersion of the Manchester meeting, necessarily approved of the principles of those who had convened the people on that occasion. Now, no person felt less disposed than he did to countenance the extravagant notions of reform entertained by some of those who had called that meeting together, or to sanction many parts of the conduct of the leader who presided on that day. No person felt more disposed to invest the magistracy of the country with every proper discretion for the maintenance of the public peace, to give them every proper support, and enforce the utility and respectability of their functions; but the more he reflected upon the occurrence at Manchester, the greater and more decided was his conviction, that no line of conduct was more calculated to check the growth of that respect which was due to the magistracy from the people, and to weaken that bond of union which held the different classes of society together, than a refusal to concede such an inquiry as this to the general voice of the country. He knew it was said, that if this particular inquiry were permitted, it would be impossible to shut out others from the same mode of examination; so that a new principle, of a most impolitic and injurious nature, would be established. The line of distinction between what ought and what ought not to be done, might, he thought, be rendered sufficiently obvious. Where a great public calamity had occurred, where a gross violation of constitutional privilege had been committed, where a great number of British subjects had been killed and wounded in a time of profound peace—where any of these occurrences had taken place, he thought the House might, without any great impropriety, concede an inquiry. To all such applications he wished the doors of the House to be thrown open as wide as possible. The House ought not to be less ready to vindicate the privileges of the people than their own; towards which they generally showed an attachment more creditable to their zeal than to their discretion. It was quite sufficient to show, in support of the inquiry, some main facts which were indisputable. It was clear the meeting had been violently dispersed by a military force, and that a number of people had been killed and wounded. It was equally clear, that the parties representing themselves as aggrieved, had in vain sought inquiry through a variety of channels. It was clear that the coroner had terminated his inquest in a very extraordinary manner; that technical difficulties were interposed by grand juries, which prevented bills of indictment from being received. All these were grounds sufficient to warrant the inquiry called for, with so much ability, by the hon. baronet.

Mr. *Egerton* said, he thought the measures pursued by the magistrates on the 16th of August had saved the town of Manchester from the greatest disturbance and riot. Let the House look at the state of the county at that period, the organized system of communication which was going on, and the drillings, together with the assembling with banners—let them look at all these circumstances, and then calmly say whether the magistrates acted imprudently in issuing the warrant to apprehend Mr. Hunt and the other leaders of that meeting. From the state in which the hustings were, it was impossible that the warrant could be executed without the aid of the military. The magistrates had a great duty to perform; they did it to the best of their power, and they took the responsibility on themselves. They were called upon to decide on a sudden emergency, what was best for the safety of the town; and if they had erred, their conduct was open to be inquired into by a court of law. With regard to the people, it was notorious that the

way in which they came into the town alarmed all the respectable inhabitants.

Mr. *Grenfell* observed, that on this question he differed in opinion from most of those with whom he usually acted, and from whom he never differed but with regret. He took that opportunity of stating his opinion with regard to the measures which the legislature had adopted, in consequence of the events at Manchester in August 1819. It would be unbecoming in him to enter into the discussion of the general subject; for even in the hands of those who had greater claims on the attention of the House than he could pretend to, that subject no longer excited interest and attention. The reasons which had influenced him in giving his vote in 1819, with reference to this subject, remained unshaken; and there was no act of his public life to which he looked back with greater satisfaction or a more self-approving conscience.

Mr. *Bernal* denied that his hon. friend was correct in stating that the subject before the House had lost its interest. If, indeed, he looked at the question in the most limited point of view, he would concede it to him; but, in its broad and constitutional point of view, it had not and could not lose a particle of the interest which had at any time attached to it. He begged to deny the correctness of the solicitor-general's statement last night, that a court of law had pronounced that the meeting at Manchester was an unlawful assembly. The verdict at York had established no such fact. The indictment, if he was rightly informed, consisted of eight counts. In the fourth it charged Mr. Hunt and others with having been engaged in a conspiracy to bring together an illegal meeting for the disturbance of the public peace. Other counts charged them with joining in an unlawful assembly; but they were acquitted upon all except the fourth count, which by no means involved the question of the legality of the meeting. If the meeting, then, were not illegal the interference of the military was unnecessary, and the magistrates had no authority to order a single soldier to advance against the people. It was true that an eminent lawyer (Mr. Plunkett) had pronounced the meeting at Manchester illegal; he however never concurred in that opinion; but even if the meeting were illegal, the learned judge who tried the case at York had drawn a just distinction between the guilt or innocence of the parties present. It did not follow, because some attended for an illegal purpose, that others participated in their guilt. Besides, on the trial no evidence whatever had been offered to show the necessity there was to employ the military to assist the civil power. Mr. Hulton was very properly stopped by Mr. Justice Bayley, when he was stating the hearsay evidence of Nadin the constable. The hon. gentleman then referred to the depositions read last night by the hon. member for Dover, and adverted to the former statement of a noble lord, that a constable had been stoned to death by the people. Last night, when the hon member for Dover was reading depositions and affidavits to the House, it struck him that he had fallen into an error on one point. He had stated, that one Campbell, a pensioner—and a constable of Manchester, was, on the 16th of August, dragged from his home, and so savagely treated by the people that death ensued. Now, it so happened, that, on the coroner's inquest, which took place after the death of Campbell, it turned out that this constable had fired pistols, loaded with ball, at different persons in the streets of Manchester; and three of the individuals who were on the coroner's jury testified that such was the fact. They further stated, that the mob, who were irritated by the previous conduct, as well as by the wanton firing of Campbell, did inflict severe vengeance on him. This, however, was not on the 16th, but on the 17th of August, the day after the meeting. No such thing as the alleged stoning of this constable therefore took place on the former day. But, if it had occurred on the 16th, if the people, smarting under the wounds inflicted on them by the sabres of the cavalry and by the staves of the constables of Manchester, had met with one of the latter, who had been firing loaded pistols, he could not wonder at their proceeding, under circumstances of such aggravation, to visit the obnoxious person with summary chastisement, although he did not mean to justify the act. Many of the statements were, he believed, as incorrect as that which he had noticed. There appeared to be a willingness to believe every thing which tended to extenuate the violence that had been used. The old adage—"*Libenter homines quod volunt credunt*"—was perfectly applicable to this case. He did not mean to accuse the

hon. member for Dover with participating in such a feeling; but they all knew, that people were very apt to rely on any statement which favoured their particular views of a question. When, however, grievous complaints were made, and when they were met by assertions of this nature, why should that House remain inactive spectators, knowing that ministers would not yield one point of what was demanded from them? He should be satisfied if a disposition were shown to send a parliamentary commission to Manchester to inquire into the facts. He saw a smile on the faces of the gentlemen opposite, but there was nothing absurd in such a proposition. It was only the other day that a parliamentary commission was appointed to inquire into some supposed abuses in Ilchester gaol. If a commission were appointed in that case, why should it be refused on a matter of so much importance as that now under consideration? He feared, however, that a parliamentary commission would be no longer useful, ministers having so completely mixed themselves up with the business of the 16th of August. That they had done so, was clear from the thanks which were prematurely given to the Manchester magistrates, as well as from his majesty's answer to the city address. Such being the situation in which they were placed, no member wishing to discharge his duty on this momentous occasion could, he thought, refuse his most decided support to the motion.

Mr. *B. Wilbraham* said, he did not state that the outrage committed on Campbell had taken place on the 16th of August. He had merely observed, that because Campbell was a constable, he had been pursued into a house—that he had been severely treated, and that, in consequence of the injuries he had received, he died in the infirmary.

Mr. *Horace Twiss* spoke as follows:—Sir, I should not have expected to hear from my hon. and learned friend a complaint about the employment of depositions in this debate; since, where one of the speakers on this side has resorted to these narratives on oath, not fewer than three or four among the hon. gentlemen opposite have relied on private statements, to which the sanction of an oath is wanting. The balance, therefore, is not a little against those who complain of a departure from the evidence produced by the trial at York. The opinion expressed in last night's debate, that, independently of the evidence offered for the defence on that trial, there is enough in the testimony advanced for the prosecution to support the hon. baronet's proposal, has led me to refer to a printed report of that trial, which I hold in my hand for the purpose of ascertaining the grounds of such an opinion; and I must say, the result of my examination has been, that, on the contrary, there is reason enough to reject the motion, almost on the mere admissions extracted by the cross-examinations of the defendant's own witnesses. These admissions, indeed, having embraced no details beyond the moment of the actual seizure of Mr. Hunt and the flags, do not afford so complete a body of information as that presented to the House by the hon. member for Dover, but as far as they do extend, they are highly important, and, I think, will satisfy the House that there is no more pretext now for the motion, than there was when the same proposal was solemnly rejected by the last parliament.

It stands admitted then, by the witnesses against the Crown, that the memorable field at Manchester was entered, not by tens, nor by hundreds, nor even by thousands only,—but by myriads of men, in lines of two, three, and four abreast, marched by commanders or serjeants, and in a movement which, whether military or not, was such as the military employ; and, according to the computation of Mr. Tyas, the reporter for The Times, the most important, and, notwithstanding the strong bias of his politics, the most intelligent and accurate of the witnesses in Mr. Hunt's behalf, their body amounted to about 80,000,—an assembly, whose prodigious numbers as much unfitted it for deliberation, as they fitted it for violence—an assembly, indeed, never so justly characterized as by Hunt himself, with the epithet, "tremendous." Most of the parties, says Mr. Tyas, came provided with sticks; he describes them to have been "walking-sticks only;" but whether in the hands of a class of people whom we do not usually see carrying such appendages they were meant to be used only as walking-sticks, may, perhaps, best be inferred from their other accompaniments, and especially from their flags, with inscriptions exhorting them to equal representation or death—to die like men and not be sold as slaves—inscriptions just as demonstrative of the sort of resolution with which they were assembled,

as if they had vented the same resolves in living shouts. Such being the meeting, its array, the sentiments and objects proclaimed by it, and the numerical strength by which these sentiments and objects might be summarily enforced upon the spot, I want no additional evidence to tell me whether there was terror among peaceable subjects; whether there was ground for the interposition of authority. Then, how did authority interpose? By a charge of cavalry upon a peaceable congregation of defenceless people?—by a cold-blooded massacre of men women and children? No! but by repeating a measure which had been found successful at the Smithfield and other meetings; by taking the ring-leader into custody, which they did in the outset of his harangue, just as he had desired the multitude (these were his words) "to exercise in an orderly manner the all-powerful right of the people." The witnesses for the defence say, that the people opened in the most peaceable manner for the yeomanry; and as to the allegation on the part of the Crown, that the populace assailed them as they came up, with brickbats and bludgeons, and closed in with a rush to cut them off, Mr. Tyas says, "This was, I suppose, not a voluntary rush, but a rush occasioned by the pressure. If brickbats, stones, cudgels, and bludgeons had been hurled in the air in any great quantity, I must have seen them." Mr. Nicholson, another of the defendant's witnesses, who acknowledges that sticks were thrown, says, however, that this was after the arrest; and none of the witnesses for the defence admit any assault before that seizure. But this they admit, that though there was no actual assault, yet on the first approach of the yeomanry, this vast multitude set up a shout, called by the name of a cheer, but given, as Mr. Tyas himself very candidly interprets it, to show the military "that they were not daunted by their unwelcome presence." To this shout the only answer of the yeomanry was, a flourish of their swords; so that, up to the moment of the assault, not a hair of any human head was hurt on either side. But the demonstration conveyed by that shout, together with the rush of the populace closing in upon the military, and which might well appear intentional, though the witnesses for the defence explain it as "really accidental," the avowed scuffle on the seizure of the flags, and the resistance which followed by missile and other weapons—these circumstances, I say, which I take from Mr. Hunt's own witnesses, and which are the facts most material to a due understanding of the dispersion which ensued, were such as must irresistibly have struck the magistrates with the liveliest impression as to the danger of the yeomanry, and as to the necessity of rescuing them by the additional force, which was now accordingly sent forward under colonel L'Estrange. Sir, I beg to say, that in attempting, as I shall now do very shortly, to answer the hon. members on the other side, without relying on any other materials than those collected thus from Mr. Hunt's own witnesses, I do not mean to have it inferred, that I myself think nothing true but what those witnesses have admitted; on the contrary, my own mind has been most strongly impressed with the important and decisive facts communicated by the hon. member for Dover, and by several of the witnesses for the prosecution at York; but my object in limiting myself to the admissions of Mr. Hunt's own witnesses, is, that those who will acknowledge nothing for truth but what comes from their own side, may see how little ground, even on the reformers' own showing, has been laid for the proposed enquiry by that trial at York, which has been so much and so triumphantly insisted on.

One would almost have supposed, from the tone which has been taken about this trial, that the verdict had been an acquittal instead of a conviction; that a jury, instead of finding upon their oaths that the defendants convened an unlawful meeting, and incited it against the government and constitution, had declared those defendants and that meeting to be absolutely innocent. Suppose that, as to some of the statements made in the debate of 1819, the proof, instead of being substantiated as it has been, had failed altogether: that would make no difference as I have now viewed the case, because I have viewed it without reference to that information, but solely upon the testimony of the reformers themselves. At the same time, I feel, that it ought not to have been matter either of surprise or of blame, if mistakes had really been made on this side, just as on the other, it was at first asserted, that the acting magistrates were all stipendiaries, and that the sabres of the yeomanry had been sharpened purposely to cut down the people. Why, then, how stands the argument taken thus on the

statements of the adverse witnesses? I will say but very few words on the old question, revived by my hon. friend who spoke last, as to the legality of the meeting. At first, indeed, it was pretty generally contended by those who were not lawyers, that all interference, whether military or civil, was unwarrantable, because the meeting itself was a perfectly legal one, assembled for the removal of grievances. Now, one objectionable peculiarity of it was, that the grievance whose removal it chiefly aimed at, was that very inveterate one, the English constitution; but I say nothing about that, because, independently of the object itself, and of the sanguinary threats declared by the witnesses for the prosecution to have been thrown out by individuals of the mob in their march to the field, it is clear, as was ruled by Mr. Justice Bayley on the trial, that if a meeting endangered the public peace, and tended to raise fears and jealousies among his majesty's subjects, it was an unlawful assembly, though the people did not appear armed; and with reference to this particular case, he told the jury it must be clear, that the manner, the numbers, the banners, the apparent military steps, had an evident tendency to produce terror.—The meeting being thus clearly illegal in its character, was dissolvable, of course, by the legal authorities; and it seems strange indeed to hold, that the same step, the seizure of the ring-leader, which had been so successful at the Smithfield meeting so lately before, and again within the foregoing week at the Leigh meeting, must have been a crime and a folly at the Manchester assembly.

But the warrant, you say, might have been executed by the constables alone. I do not rest on the evidence of Mr. Hulton and Mr. Phillips, or the opinion of the borough-reeve, Mr. Clayton, who all decidedly declare that the civil power alone could not have executed this warrant; nor even upon the positive refusal of Nadin, the deputy constable, to attempt its execution without military assistance, because these witnesses were called for the Crown; but I presume the hon. baronet can hardly mean to say, that the yeomen, when they put on the uniform of volunteers, did thereby put off the character of citizens, and become incapable to act in assistance of the civil power. Lord Mansfield used to hold, that the soldiers on these occasions ought to act as citizens. What then is meant? That the appearance of military was sure to irritate? It should seem that it was not, if we may believe the unanimous statement of all the witnesses for the defence, that no symptoms of irritation were manifested at all till after the seizure, but that the people most peaceably made way for the cavalry. But even if it had been otherwise—and however objectionable it may be to employ military assistance where no powerful opposition is to be apprehended, yet this was peculiarly a case where the public peace required an exhibition of that sort of strength which would most tend to discourage all attempt at resistance to the law. The crowd were less likely to think themselves a match for the yeomanry than for common constables, of no imposing appearance, attired like themselves, and like themselves armed only with sticks; and, therefore, the employment of military diminished the chance of any attempt to prevent the peaceable execution of the warrant.

Then, as to the sending up of the second party of soldiers to the assistance of the first. It may be, that the multitude intended no violence, when they received the yeomanry with a braving cheer, and closed in with a rush upon their ranks; but where is the magistrate, who, perceiving such demonstrations on the part of so vast an assembly, so armed and organized, and professing upon their very banners that they were met to obtain their objects or death—where is the magistrate who, under such circumstances, would have felt otherwise than that to leave those yeomen unprotected, would be a cowardly desertion and a probable sacrifice of their lives—of lives, let me say, not less valuable to their country than those of which we now concur in deploring the loss.—Therefore this is not, as it has been subtilly suggested, a question whether the general objects of the meeting were such as to justify its dispersion by an armed force for the mere sake of dispersion, but whether the apparent danger of the yeomanry was not such as to justify an armed rescue of which the dispersion of the meeting was the probable consequence, if not the only means.—It is alleged, that only one magistrate was called at the trial to justify the employment and conduct of the yeomanry. It was conceded last night, that at the trial any general evidence on the conduct of the yeomanry would have been inadmissible; and the judge himself most properly prevented

all interrogations which went merely to this matter. That interdict operated very favourably for the rioters; for it left unrefuted not a few of their calumnies against the soldiery; but it is a little too much that after having had the benefit of the judge's exclusion of the evidence concerning the soldiers, they should now turn round and say, that the prosecutors were afraid to risk it. The question is not so much what the actual danger was (though on that point the case of the magistrates is sufficiently strong) as what the danger must have appeared to those magistrates to be: how it must have presented itself to their eyes. "Good God," said Mr. Hulton to colonel L'Estrange, don't you see how they are attacking the yeomanry?" and, in the same breath, was giving the order to advance. It was no deliberate act; it was no preconcerted plan; it was the impulse of the moment, when but that moment was given to think and to act, and when the loss of that moment seemed to threaten the destruction not of the yeomanry alone, but perhaps of Manchester itself, and the peace of the whole kingdom. Men in authority may sometimes act most unwisely, and yet not be guilty of exceeding their jurisdiction; they may sometimes exceed their strict jurisdiction, and be guilty—of saving their country. I believe, in my conscience, that here was no excess of jurisdiction; but let the order have been more or let it have been less prudent, I, for one, can never consent to put men of humane and honourable characters upon their trials as criminals, for having exercised their best discretion in circumstances of such difficulty and such danger, such doubt and such alarm. You harp upon the supposed violation of the law; but if you were to go to a court of law, the judges of the land would tell you that you must prove something wilful or malicious in order to warrant a proceeding against the magistrates. That hard measure which a court of law would refuse, you call upon parliament, as a court of equity, to award—you call upon parliament to interfere with the common law, not to aid, but to contravene its principles—not to temper, but to aggravate—not for the sake of judicial mitigation, but professedly for the purposes of popular anger and revenge. Hard indeed is thus the lot of any magistrate who is compelled to exercise a discretion in matters of a political nature. If he wait till some offence have been actually committed, you arraign him for negligence, perhaps for a malicious design of drawing matters to extremes; if, on the other hand he apply any measure of precaution, then you ask how he could presume so prematurely to interfere before the commission of any actual offence.

But then the yeomanry—did they not cause the bloodshed by their needless seizure of the banners? Sir, if the meeting was illegal and mischievous, as the trial decided that it was, the first duty of the regular authorities was, surely, to suppress those banners, which were the main ingredients of that illegality, the very core of that mischief. But when, upon the seizure of those banners, the people did resist, as the witnesses for the defence themselves admit they did, what, under threats of such an appalling nature from so immense a multitude, what was the crime of the yeomanry? That of turning round to defend their own lives.—No man can blame the sympathy which has been evinced on the part of the people, however illegally assembled; but surely a similar consideration ought not to be refused to the legally assembled soldiers—to those who were struggling for their own as well as for our deliverance. It is not pretended that a life was lost till after the resistance on the seizure of the flags; and from the beginning of that resistance, every individual who concurred in it was a rioter; and his death, except in case of some unnecessary cruelty, would be deemed by the law to rest on his own head solely, instead of furnishing ground for an avenging inquisition.

If in so vast and dense a crowd the yeomanry had used any force beyond the strictest necessity, the deaths, by actual wounds, to say nothing of accidents from pressure, must have been counted not by a unit only, but by hundreds. I do not say that there may not have been two, or three, or four yeomen, the irritation of whose blood may have hurried them into acts of greater violence than self-preservation absolutely required; nor, surely, do I mean to justify or even palliate such violence; but, since a violence, committed under that spirit of irritation, even though it unhappily cause the loss of life, will not, in law, any more than in sound reason, support a charge of any thing beyond mere manslaughter, still less can it amount to an inducement for a solemn inquiry by the House of Commons. And at all events, the acts alleged were but

the unauthorized deeds of individuals, committed in excess, not in execution of the orders given them; although the representation to the public has injuriously been, that there was an authorized and indiscriminate carnage. And here, if I may mention the testimony of a witness not adverse to the soldiery, I would just remind the House of what was said by colonel L'Estrange in his official dispatch. "The infantry," says he, "were in readiness; but I determined not to bring them in contact with the people, unless compelled by urgent necessity. Not a shot therefore had been fired by any of the military, though several have been fired by the populace against the troops. So much for the blood-thirsty soldiers, and the merciless massacre of the unoffending people. Gentlemen seem to suppose that because the House of Commons has been called the grand inquest of the country, therefore it is bound to interfere in every case in which the country is interested: whereas the only case in which this House is ever properly likened to an inquest at all, is that where it prefers an impeachment. However, without dwelling on misapplications, of technical terms, we may admit that there are precedents of inquiry by this House; but then that is where some legislative remedy is to be introduced, or some epidemic rage is to be checked, or some participation in the blame is to be laid upon the government. But how do these principles apply here? Here is no proposal for any legislative remedy; the complaint made is not that new laws are wanted, but that the old ones are broken. Nor, I suppose, will it be pretended, that any sanguinary mania is raging among magistrates in general, which requires the sudden interference of parliament to arrest it. None of this; but it seems that government, to use the phrase of my learned friend opposite, have so mixed themselves up with the present transaction, as to render the wrong no longer private but political. What share then had the government? what did they do? nothing themselves; but is being necessary to give an opinion about what somebody else had done, they did give such opinion as they had been enabled to form from the information then before them. We were told last night that they expressed their unalloyed satisfaction, their cordial thanks, for the blood which had been shed. For the blood which had been shed? No, Sir, but for the blood which had been saved; for the blood which the magistrates on that day redeemed the country from the fatal necessity of shedding. It is assumed that the government made themselves parties to the dispersion, by their letter of thanks; but I contend they no more, by that expression, made themselves parties, by relation backward, to the dispersion of the meeting, than the honourable gentlemen opposite by their opinions and speeches in this debate have made themselves parties to its assemblage. But at least, you say, ministers ought to have had accurate information. I beg leave to observe, that the information which was contained in the letter of the rev. Mr. Hay, written on the evening of the transaction, the information upon which ministers acted, stands, at this very hour, unimpeachable in any one material particular. Besides, when information came from a magistrate in his official capacity, ministers were bound to accept it as true, unless its untruth were apparent. That is the authenticity which the law attaches to all acts of its intrusted authorities. Try this rule by its consequences. If the report on which the ministers grounded their answer, had turned out to be untrue, the effect, at worst, would have been a little unpopularity, and a few superfluous precautions; but if, on the contrary, they had chosen to treat the report as incredible and it had turned out to be true, what then would have been the situation of the disturbed districts, and the deep responsibility of the government? I do not presume to vie with the hon. baronet opposite in his fertility of illustration; but every body remembers the just and wise retort made by the priest on a much higher occasion, when the jester said to him, "How foolish will you have been if the tidings which you believe and sacrifice so much for, turn out at last to be false!" "But what," answered the priest, "will your foolishness have been, if those tidings turn out to be true!" In this case of Manchester, what was to happen meanwhile, pending that inquiry which we are told the ministers ought to have made? The mere question at York, upon the character of the meeting, occupied ten long days. To have inquired into all the alleged circumstances of individual misconduct on each side, would have occupied ten times ten. It was the ridiculous boast of Hunt to the Smithfield meeting, that he could contrive, by calling 30 witnesses a day, to make his single trial last for three years

and a half. But it appears, according to the reformers doctrine, that while ministers were thus inquiring, the magistrates ought to have been left without so much as a hint from the Home-department in what manner they were to cope with the malcontent population. Instead of supporting the constituted authorities, for the support of the country itself, the ministers, it seems, ought to have said to the magistrates and yeomen" Rash men, we can pay no regard to your accounts. True, you were called to the exercise of a most difficult discretion—true, you exposed your lives in proof of your own sincerity, and in defence of our laws and safeties; but those from whose machinations you have saved your country, may have some fault to find with you for it, and it is our duty to put you at once upon your trial—no doubt the investigation will take time—perhaps indeed your lives may be lost, and your city burnt down, before we can interrogate a witness; but at least we, the ministers, shall have evaded committing ourselves; and if, unluckily, your throats should be cut, be it your comfort that full investigation shall be made how it happened, that the smoke of your city's ashes shall not rise to parliament in vain; and that posthumous inquiry shall hold a session on your graves!" Sir, if this country had been governed by an administration timid and selfish, and thinking only of what people might say about them, that might have been the sort of language such pusillanimous administration would have held. But it was the part of an honest and courageous government to act for the country, and not to hesitate for themselves. It was their duty to make instant communication to the magistrates, on which that body might be sanctioned in proceeding for the rescue of the public—to suppress the insurrectionary spirit promptly and at all hazards, and trust to the good sense and liberality of thinking men, and, above all, of parliament, for their indemnity in any casual excess of jurisdiction. That seems to me to have been the duty of government, and they are now a second time arraigned for having manfully and steadily performed it.

Sir, the reformers undoubtedly fight this question with very considerable advantage. If the House accede to their demand of inquiry then they have the sanction of parliament to colour their assertions; if the inquiry be refused, better still, for then they may tell the crowd that the refusal results from the corruption of parliament. Their views, however, as to the necessity of inquiry seem to have changed not a little since the time of the transaction itself. Hardly more than a fortnight after the events, a meeting was held in Westminster for the purpose of expressing an opinion upon it; and though certain parties now insist on the necessity of further investigation, this being now the only way of stirring up the public mind again, yet, at that time, when the object was, to obtain an immediate summary condemnation, in other words, a prejudication of the conduct of the parties concerned, then the notion of all such ulterior inquiry was treated as nugatory and absurd. On that occasion a speech appears to have been made with great applause and effect upon the audience, in which, after adverting to the objection made by some people, that until more evidence had been obtained these Westminster proceedings would be premature, the distinguished individual delivering that address vehemently exclaimed, "I say there is evidence enough before us. Are not the facts before us?" The crowd shouted, "They are;" and he proceeded, "the scandalous, the shameful, the undeniable facts." Sir, I beg pardon if I am misinformed; but unless a record, generally very accurate and faithful on such subjects, (I mean "The Times" news-paper) were unusually incorrect on this occasion, that speech, so insisting on the total inutility of further evidence to warrant resolutions reflecting on the integrity and character of the many respectable persons concerned, was uttered by no less an authority than the same hon. baronet who now comes forward to tell us that further and fuller investigation is indispensable to make up our minds on the merits of a question so long ago determined without any such light, by his own constituents on his own impassioned exhortation.

That since that speech, the grand jury have thrown out bills against the accused individuals, makes no difference either in explaining this apparent inconsistency, or in sanctioning the present motion; on the contrary, the dismission of those bills is a circumstance adverse to the hon. baronet's proposal; for, in order to justify the present motion, a *primâ facie* case ought to be made out against the parties accused; whereas the rejection of the bills is a pri-

mâ facie case in their favour. The argument is, that unless this House interfere, there is no appeal whatever from the grand jury. Why, Sir, the constitution never meant there should be. When a grand jury has decided in favour of the party charged, there can hardly be a case imagined in which any other jurisdiction ought to be capable of re-opening their merciful conclusion. A grand jury, it is true, decides on evidence *ex-parte*, on one side only. No doubt; but on which side? On the side of the accuser. If, therefore, when the evidence produced was all on that side, the accusers failed to make out their *primâ facie* case before a grand jury, what right have we to presume that the charge will be clearer against the accused when the defence shall also have been heard? We have been told a good deal in other cases, about the propriety of leaning towards presumptions of innocence; but this argument proceeds on a presumption of guilt. Deaths have occurred: certain persons have been charged with the crime of those deaths: a grand inquest has resolved that the charges do not warrant a trial by a common jury of the country: and then this House is to institute a special indictment of its own, because the parties accused must be presumed to be guilty until they are proved to be innocent. That is the law as now laid down. Shall it be said that the grand jury were objectionable, because they lived in the neighbourhood of the disturbed districts? What does the common law of the land say about trials by the neighbourhood? Has it made any difference between offences tending to excite political feelings, and offences of a more private interest? None. The principle of our law, whether in times of more or of less political liberty, has always been, that a man shall be tried, except in some special cases under express statutes, by his neighbours—by people *de vicineto*—by those who are supposed to have the best means of knowing the scene of his alleged acts, with its distances and its bearings—of knowing the character of the accused, the character of the accuser, and, above all, the characters of the witnesses. In a word, the very principle of trial in this country is a local principle.

Suppose the converse of this case; suppose that in the execution of the warrant, instead of yeomen, the constables alone had been employed, and that none of the auditors, but only these constables had lost their lives or limbs in the chance-medley of that day: that the government, anxious to avoid all imputation of arbitrary proceedings, had simply referred the complainants to the grand jury of their country at the assizes; and that such a grand jury, attributing the calamity to the pressing necessity of self-defence, or to the inevitable confusion of so mighty a concourse (for the waves will run highest in the widest waters) had thrown out the bills against the popular disturbers by whom those constables had so been slain. Thus far all would have been satisfactory to the hon. baronet and his friends. But, suppose that, amidst their joy at the escape of their accused allies, intelligence should reach them that government, dissatisfied with the grand jury's dismission of the bills, had resolved to propose a parliamentary investigation into the conduct of those by whom the constables had been killed, what then would be the language of those who support the present motion? What then would be the course of the hon. baronet in this House? Would he not tell us, that our liberties were gone, with that last hope of a once free country, the trial by jury; and that, for the ancient authorized constitutional jurisdiction of our forefathers, a ministerial majority had been tyrannically substituted, as the arbiter of our lives and deaths? In what manner of phrase the honourable baronet would characterize that majority, it would ill become me to surmise; but I trust he will forgive me if I remind him, that whatever he has at any time described the majorities of this House to be, to those majorities he, of all men, now proposes the surrender of what we, with him, acknowledge to be the strongest, the oldest, and the best bulwark of general freedom and of individual security, the trial by the juries of our country. I need not say, that my objection is grounded on no distrust of this House in any of the functions it may assume; but I do entertain the general persuasion, that the less it needlessly interferes with the administration of the law, the better it preserves the constitution. And whatever the feeling may have been when the first inflamed representations went abroad; yet, that disquiet having been allayed by time, I am quite sure that at this day there is nothing less wished for by the people of England than to revive it. There might have been some colour, though perhaps not much sterling weight, in the argument, that while the public

mind was yet fevered, an inquiry was requisite to calm it. But now, when the irritation has passed away, without danger of revival except from such discussions as these, and when the quiet of the country is an object of such high importance, it surely is not reasonable to argue, that, even granting it to have been fitting for this House to direct investigations in 1819, in order that the ferment might be allayed, it must therefore befit us to direct them in 1821, in order that the ferment may be renewed.

Mr. *Hobhouse* rose, and spoke in substance as follows:

I rise, Sir, under very peculiar disadvantages, to deliver my sentiments on this important question. In the first place, because so much labour and ingenuity have been brought to bear upon the subject before us; and secondly, because I have to discuss a legal point, as it has been called, immediately after a gentleman of the legal profession. The first of these difficulties I know not how to remove; but I confess that as to the second, it is somewhat diminished by the circumstance, that the law which the hon. and learned gentleman who has just sat down, has wished to establish, is not drawn from any very deep source—is not a part of that ancient system which, to know it in all its bearings, must require much time and experience—but is in fact a mere modern addition to, or rather alteration of, that old and venerable code under which it has been supposed that this nation enjoyed, for so many ages, happiness and freedom. And what I say of that learned gentleman's speech, I must say also of all the speeches made on the same side, namely, that if they teach us any thing, they teach us, not what the law of England is, but in what manner and under what pretexts it may be safely violated. Sir, I regret, not to see the learned gentleman in his place—he has made his speech, and is gone—"Sublatam ex oculis quærimus invidi"—For I have a word or two to address more particularly to him and to his statements [Mr. Twiss here came in.] I am glad he is returned to hear them. In the first place, then, I trust he will for the future have influence enough to persuade the ministers below him (whom he seems so much to admire, and who, I trust, will repay his early attachment in the usual coin) to give to every subject of this country the advantage of that trial which he has just panegyrized so highly—I mean a trial by a jury, composed "*de vicineto*," of impartial men, chosen in the neighbourhood where the alleged offence was committed. It is a pity that this maxim, so agreeable in the mouth of the learned gentleman, was not carried into practice by the learned gentleman's friends when they prosecuted my honourable colleague, for complaining of that transaction which is now the subject of discussion. Had he a jury "*de vicineto?*" Was he tried by those who might be supposed the best, the only judges of the nature and extent of his presumed offence? The learned gentleman knows that his friends below him took a very different course from that which he now recommends, and which he now says was the only course to be taken by the Manchester sufferers, namely, trying the Manchester outrage by a Manchester jury.—Sir, the learned gentleman has read an extract from my honourable colleague's speech in Palace-yard in 1819, by which it appears that my colleague had then made up his mind as to the atrocity of the proceedings at Manchester, and as to the real nature and character of the acts there committed. From this the learned gentleman deduces, that having made up his mind then, the hon. baronet need not move for inquiry now. He cannot add to his former conviction, nor will it be of use to him to know more when he has been already contented with less. So says the learned gentleman; but does it follow, that because my hon. colleague was convinced himself, he should not try to convince others? Does it follow, that because the events with which he was acquainted seemed all to point one way, he should not be anxious for an investigation which would increase the number of known facts? Does it follow that he should not be willing to have an inquiry, even were it only for the sake of changing his opinion, supposing that the materials furnished by inquiry should have a fair tendency to produce such a change? Let me ask also, whether nothing has occurred since 1819, to make an inquiry now more necessary even than it was in that year? Have we not had the trial at York? and has not that trial totally disproved the allegations made by the abettors of the aggression at Manchester? At that trial the defendants were acquitted on all but the fourth count of the indictment, that is to say, they were acquitted of conspiracy—they

were acquitted of riot—they were acquitted of tumultuous and seditious assemblage; and they were found guilty only of that vague and indistinct offence, the attempt to bring the king and the government into contempt. The learned gentleman should have remembered this when he taunted my hon. colleague with asking for inquiry in 1821, when he had made up his mind in 1819. Above all, he should have borne in mind what occurred but last night, and have remembered that the solicitor-general said—"Don't tell me of this deposition, or of that statement; let us look only at the verdict of the jury." But instead of looking to the verdict of the jury, the learned gentleman has done nothing but refer to the evidence; he has tried to make what was said by this witness explain what was said by that witness. In short, he has favoured us with a sort of summing-up, forgetting that this had been done before by Mr. Justice Bayley; and forgetting also that a jury had pronounced upon the said evidence, before it had been illustrated by the commentaries of the learned gentleman. And here I must remark, that when the learned gentleman attempts to set off the depositions read by the member for Dover against the statements given on this side of the House, he has fallen into a most unpardonable unfairness. Those depositions are worth nothing; they are as little to be regarded as any other scraps of paper which the member for Dover might have found amongst the sweepings of his library, for this plain reason—they were in the possession of the prosecutors at York, they would have contradicted all that was established at that trial, and they were not made use of at York. The inference is inevitable; they were not adduced; that is to say, the deponents who swore to them, were not adduced, because it was felt their allegations would not have been borne out, nor have stood the test of cross-examination. I say, therefore, that they are worth nothing here; they are worth nothing now. This trial at York, these witnesses on both sides, this verdict, totally and entirely stultify the whole of these precious depositions, which, be it also remarked, almost stultify themselves; for the deponents, many of them, swear that they were under the influence of the most blind of all passions—fear; and this can be hardly quoted in support of any fact depending upon the evidence of the senses.

But, to return to the learned gentleman against whose speech I have to make the objection, which I think applies to all that has been advanced on the other side of the House. He has taken for granted all the most important facts. He assumes a fiction to be true, and then argues upon it. He tells us that lord Mansfield declared soldiers not to lose their rights of citizenship—and then asks "Would you not have soldiers defend themselves when attacked, as well as citizens." To this I answer—to be sure; defend themselves when attacked. But they were not attacked. I defy the learned gentleman—I defy all those around, above, and beneath him, to prove that they were attacked. I defy them to show that any single proof can be given of an attack, previously to the horrid assault made by the soldiers on the citizens. That resistance—at least some little resistance, too faint indeed and ineffectual, was made after the slaughter began, I am ready to admit. That the people should defend themselves was to be expected. The very instincts of human nature made such defence not only justifiable, but inevitable. Poor creatures, they did, no doubt, defend themselves, as well as a vast assemblage, unarmed, surprised, terrified, mixed with their wives and children, could be supposed capable of doing. Brasidas the Spartan said, when bit by a mouse, that the most contemptible of animals will turn when assaulted. And were the people—the people of England—at no time that I have heard of infamous for cowardice or base submission to tyranny—were they, when in the quiet exercise of their undoubted privilege—were they to be bayoneted, sabred, trampled upon, without raising a hand against their furious and wanton assailants? Was resistance culpable under such circumstances? Who will dare to say that he would not resist when thus wantonly attacked?

But, it seems that the gentlemen opposite are still resolved to believe that some attack was made by the people on the military, previously to the charge of the yeomanry upon the crowd. I will take this opportunity to observe, that the abettors of this outrage (for so I must call it) have not replied in that manly and candid manner to the appeal of my honourable colleague, which would have

done honour to their understandings and to their hearts. On the contrary, though charged with the mis-statements made in 1819, though called upon to give up those mis-statements, or to show why they should not abandon those refuted errors, they have not been honest enough to retract, nor bold enough to confirm the extraordinary assertions, on which alone the legislative enactments of 1819 were confessedly founded. Something like a struggle is, however, still made to prove the existence of those famous stones and brickbats which figured so notably in the speech of the noble secretary of state for foreign affairs. Not only the depositions, but Mr. Hulton is adduced to prove this fifty-times-refuted fiction.—Now a word or two as to Mr. Hulton. It seems this gentleman is to be raised into a most dignified character, conspicuous for every thing that can adorn a British magistrate, especially humanity; and then, in opposition to this highly-gifted person, we have arrayed on the other side, the Hunts, the Carliles, the Pearsons, and all other names which sound odious to the ears of honourable gentlemen in this House. I must be permitted to remark that this is a common parliamentary trick;—talk of some bad thing which has been done, and we are always sure to hear of the good character of the accused, and of the bad character of the complainant. Fifty vouchers for the worthy person start up in their places, and tear you down by the weight of authority — so that the question always is, not what has been done, but who has done it. Such has been the case in this debate, which has degenerated from an argument as to the necessity of inquiring into a monstrous and unparalleled transaction, into a dissertation on the character of Mr. Hulton.

Sir; Mr Hulton may be all that he is said to be by his friends opposite; but I must be allowed to say, that the aspect under which he is presented by the trial at York, is somewhat different from the picture now drawn of him. Gentlemen will recollect that the testimony of Mr. Hulton at York drew down from the great audience at the trial tokens dissimilar from those which have been now given to his character. So much so, that the learned member for Peterborough, the conductor of the prosecution, absolutely thought it necessary to make a sort of apology for the statements made by this his own witness. What did the learned gentleman say on that occasion? These were his words: "That the evidence of Mr. Hulton was quite natural, standing where he did." Now, this is as much as to say, that it had not appeared "quite natural" to the Court. Indeed, all those who have read the trial, must be aware that Mr. Hulton's evidence stood almost, if not quite alone, and quite contradicted by a cloud of witnesses. And yet, supposing Mr. Hulton to have deposed to nothing but actual facts, to what did he depose? Did he depose to this previous assault on the military? No, such thing. The learned member for Peterborough found it necessary to exculpate Mr. Hulton from having so deposed, contrary as it was to all the other witnesses; for he said, "Mr. Hulton had not sworn that sticks and stones were thrown at the cavalry, but that it appeared to him they were raised up." So that, after all, Mr. Hulton's evidence is good for little or nothing to the gentlemen opposite.

Mr. Stanley, in the narrative quoted by the gallant member for Southwark, and who saw, let it be recollected, the whole transaction from the room above that in which the magistrates were assembled, distinctly says, "I saw no missile used throughout the whole transaction." That their walking-sticks were used by the people when attacked, is likely enough. Mr. Stanley says, "No doubt the people defended themselves to the best of their power, as it was absolutely impossible for them to get away, and give the cavalry a clear passage, until the outer part of the mob had fallen back." Yet, what the ministers of the Crown, with all their power, have been unable to allege — what the magistrates of Lancashire, with all their local information, were unable to adduce—what the learned counsel for the prosecution, with all his talent and address, was unable to prove—namely, that the first aggression came from the people — this discovery was reserved for the learned gentleman opposite, who boldly assumes that all-important fact as a thing notorious and admitted on all sides. Sir, I repeat the direct contrary is the fact; the yeomanry attacked the people without warning, without provocation.

An hon. gentleman near me (Mr. Tynte) has thought fit to become the advocate of th[illegible]omanry corps throughout the king[illegible]. Sir, nobody has attacked the yeomanry corps throughout

the kingdom—nobody doubts their loyalty, their patriotism, their general sympathy with their fellow-countrymen. The complaint made now is against the yeomanry cavalry of Manchester, a body constructed upon very different principles than those on which other yeomanry corps are, I believe, formed. There are local circumstances which make them a distinct body of men, unhappily opposed in interests and in political feeling to the great mass of their fellow-townsmen; and nothing which is said against them, need arouse the indignation of any other yeomanry corps in this country.—Since there are some gentlemen here who still uphold the statements, or, at least, found their arguments upon the statements made in 1819, it may be as well to see what some of those statements were. My hon. colleague has rehearsed some of the wonderful fables which adorned she speeches of ministers in the session of 1819; and perhaps I may be allowed to recall gentlemen's attention to some others of those unaccountable fictions. This belongs to the present debate; for we have been taunted with parliament having already refused to investigate the Manchester outrage; and it is of importance to show on what grounds that refusal was given. My hon. colleague has told us what was said by the noble member for Lancashire, by the member for Dover, by the solicitor-general, and, above all, by the secretary of state for foreign affairs. Their assertions were tolerably strange; but I think I can add others equally strange. For example, the chief justice of Chester (Mr. Warren) said, "Let hon. gentlemen consider what the banners were which were used on this occasion, and how they were inscribed."

Mr. Serjeant *Onslow*.—I rise to order. My hon. friend will forgive me; but it is irregular to allude to a former debate [Order, order!].

Mr. Hobhouse resumed. My learned friend forgets that I allude to the debates of a former parliament; but I beg to say, that I am always obliged to any gentleman who recalls me from any improper course of argument, especially when he does it with the politeness of my learned friend. But to return—the words of the chief justice of Chester were, "Let hon. gentlemen consider next what the banners were; one of them had a female figure, with a bloody dagger in her hand; that was necessarily connected with an alteration of the law." I cannot, for the life of me, see the "necessary connexion," even had there been such a banner, and should have been tempted to exclaim with the learned Partridge, "this is a non-sequitur, Mr. Serjeant." But it seems that no such banner appeared at Manchester; the dagger and the lady too were "air-drawn;" nothing of the kind existed, except perhaps in the terrified imaginations of some of the hon. member for Dover's deponents. Besides the stories told to the Commons, the Lords were regaled with similar prodigies. My lord Sidmouth informed the Peers, that the reformers marched into Petersfield "with pikes." This was pretty well; but this was not enough: he added, "with pikes having the appearance of being dipped in blood." Where were the pikes? Were they even at the trial at York? Were they ever seen? and the blood too! Whence were these gross and monstrous fabrications? We know not—we know not whence they came; but we do know whither they went, and to what purpose they were applied. The pikes, like the chief justice's "bloody dagger," have long since vanished into thin air; but I trust that the memory of them will survive as a warning to future statesmen, or at least to future parliaments. The noble lord, the secretary for the home department, amidst other strange statements, all having the same tendency, told the peers, that "not a single life was lost in consequence of the blows inflicted." Sir, I will not shock the House by referring minutely to the bloody catalogue which I hold in my hand; but here it is—the House may see it; here are the names, the residences, the particulars of the wounds, the fatal adventures of all those unhappy creatures the victims of that day, on which the noble lord said that not a life was lost. I believe he added, that not a sabre cut was given. The melancholy list occupies no less than 37 pages. And here I must advert to what was said in this debate by the solicitor-general: he told us, that the committee, who distributed the funds collected for the sufferers at Manchester, advertised for grievances, and chose to delude the public, they being themselves deluded by the representations, or, as he calls them, misrepresentations, of Mr. Charles Pearson, against whom he then took care to indulge in a vein of sarcasm and obloquy; all this is totally untrue and unfounded. The Manchester committee,

in the distribution of the funds subscribed by the nobility and gentry and others on that occasion, did not advertise for grievances; on the contrary, they sent down a deputation to the spot, consisting of two most respectable tradesmen of London, accompanied by the secretary of the committee; and I defy the learned solicitor-general, and all the myrmidons of office, to produce a single instance in which those individuals may be fairly said to have neglected or betrayed their important trust. The member for Dover has only been able to bring one case, out of 628, in which there is the least appearance of any delusion having been practised upon the deputation; and who knows whether that case has any more foundation than the depositions with which he has so liberally favoured us? The deputation had no interest whatever in exaggerating the calamities of the 16th of August; on the contrary, they were, if any thing, interested to find as few victims as possible, in order to economize the funds with which they were entrusted. As to Mr. Pearson, the learned solicitor-general best knows why he introduced that name. Mr. Pearson was not trusted by the committee; he was not employed by the committee to relieve the sufferers; he was employed upon the trial because Mr. Hunt desired it; and being one of the defendants, it was thought right to comply with his inclinations in that respect. The truth is, that in order to bolster up former misrepresentations, we are compelled to listen to other misrepresentations now.—The hon. gentlemen opposite either do not or will not know any thing as it really occurred. Does not the House recollect the wonderful tales told to parliament in 1819, not only by ministers, but by their adherents? First, there were 100,000 men in arms between the Weir and the Tyne. Then, when it was discovered that there were not so many men capable of bearing arms between the Weir and the Tyne, it was asserted that there had been some mistake in the numbers, and that the precise amount was 16,500! When these 16,500 were not forthcoming, it was then asserted, that if they were not above ground, they were under ground; they were in the collieries. In this way was parliament gulled then; and I think we may discover a wish to deceive parliament even now, when all the facts are known, and when all further delusion might seem hopeless.

My hon. colleague demands inquiry: he thinks he knows the case of the people—he now demands the case of the ministers, and he has a right so [illegible]. They said in 1819, that they had a case. Lord Sidmouth distinctly asserted that government had other documents besides those laid before parliament; the noble lord opposite said the same thing in this House. We have a right to know what these documents are. We have a right to know what induced his majesty's ministers to bestow the thanks of their sovereign, the highest distinction, with the exception of well-merited popular applause, which it is in the power of an Englishman to obtain. What, I say, induced his majesty's ministers to bestow those thanks upon the perpetrators of all the horrors at Manchester? We have a right to believe that the government being prosecutors at York, would on that occasion come boldly forward with their case, and show the grounds upon which they proceeded so decisively in that lamentable affair. Did any such grounds appear on that trial? None whatever. Where, then, are the reasons? what are the grounds? Nay, we have a right to assert, that the reasons and the grounds are no other than the precious documents presented to us this night by the member for Dover. If the ministers continue their silence now, we have a right to charge them with having no other cause for those fatal thanks than the affidavits of the terrified deponents now for the first time produced in parliament, having been rejected by the able conductor of the prosecution at York. The learned member who preceded me, has attempted to exculpate ministers, upon the ground that they had Mr. Hay's letter as a voucher for the facts which occurred on the 16th of August; and he asserted that the king's ministers proceeded on that letter. Sir, the learned member is again wrong in his facts. When lord Sidmouth was charged with having given these thanks merely upon Mr. Hay's letter, he denied the truth of that statement, and he disclosed the extraordinary fact, that ministers, in their profound wisdom and caution, did not trust to Mr. Hay's letter alone. No: prudent men as they were, they would not trust the letter, until confirmed by—whom? Could the House guess by whom? Why by the writer of the letter. Here is a knowledge of the laws and logic of evi-

dence! The ministers hesitate to believe the letter, until the writer of the letter comes up to London, accompanied by a friend, and gives his assurance that his own letter is true. Such was the story told by lord Sidmouth to the House of Peers in November 1819!

Now for another blunder of the learned gentleman, whose brief has not been got up with the requisite precision. He praises Mr. Hay's letter—he tells us that it was a document upon which the sovereign might safely proceed to thank his soldiers for shedding the blood of their fellow-subjects. And adds—"for the said letter has not been disproved in any material point; it has not even been contradicted." Why, Sir, the learned gentleman could not have been present when my hon. colleague made his statement. Not disproved! What does he say to the assertion in the letter, that Nadin preceded the Yeomanry in their advance, whereas Nadin himself swore at the Oldham inquest, that he *followed* the Yeomanry. There is all the difference in the world between the two facts; and yet the learned gentleman gets up at this time of day to eulogize Mr. Hay's letter, and to note the extreme accuracy and attention to facts with which it was penned. The letter has mis-stated other points; but the one I have mentioned is quite enough for my object.

I cannot pass by what the hon. member for Dover calls his plain facts. But perhaps the best answer will be, to recall to the House the "plain facts" stated by the the same hon. member in 1819. The hon. member then said, that "not a blow was struck till the Yeomanry were assailed with stones, brickbats, and other missiles, brought to the spot for that express purpose." Need I say a word more on this assertion, totally contradicted as it has been by the whole course of the evidence given at York? The hon. member also said, that "in fact more forbearance was shown by the yeomanry than could have been expected under all circumstances—that he did not know on which side of their swords they struck the people—but it was a subject of admiration to many who witnessed the scene, that so large a multitude should be dispersed with so few injuries." This is hardly credible—yet it is strictly true that the hon. gentleman did describe the events of the 16th of August in the way I have mentioned. The "*forbearance* of the yeomanry." Forbearance! Did they forbear? An indiscriminate sabring and trampling down of their defenceless fellow citizens, men, women, and children without warning, without mercy—call this forbearance! Why! they boasted they had not forborne. They dwelt with delight upon their gallant exploits—or, to use the words of Mr. Stanley, "they vied with each other in eagerness to show that they were not the cowards they had been represented to be."—"Not know on which side of their swords they struck the people"! Did not the blood and the gashes of the flying multitude explain and settle this doubtful point to the satisfaction of this sceptical gentleman? Then "the admiration that so large a multitude should be dispersed with so few injuries." Good God! so few injuries! Why, what injuries did the hon. gentleman and his admiring friends expect would ensue? Did they want their thousands or tens of thousands slain? We, it is true, can show only our paltry hundreds of killed and wounded. This bloody catalogue records only 628. Let me however say, that it was a wonder that more were not added to the list. A gentleman who acted as special constable on that occasion told me that he was persuaded, when the first charge of the yeomanry commenced, that he saw no less than two thousand persons on the ground at once. [Here some member laughed] What is there any thing ridiculous in the statement? any thing to laugh at? Whether the story be a fiction or a fact, I own I see nothing ludicrous in the image presented by such a scene of slaughter and dismay. The hon. member for Dover stated, in 1819, that the hospital returns, on the authenticity of which he dwelt with much satisfaction, presented only twenty-six in-patients, and thirty-eight out-patients. Now, I say with the noble member for Yorkshire, that if only one man had been killed, and only one wounded on that day, and no redress had been already obtained, it would be the business of parliament still to inquire how the laws had been broken with impunity. But the truth is, the hospital returns were little or nothing to the purpose. The wounded did not like to show they had been at the meeting. They slunk to their homes in the neighbouring villages, where they were after-

wards discovered by the deputation sent from London; and on my hon. colleague's trial, he had the affidavits of no less than 119 persons who were struck by the yeomanry with that doubtful side of the sabre, which, however, left gashes and scars to bear testimony to the depositions of the sufferers.

So much for the "few injuries" inflicted by the soldiery on the people. It seems, however, that a struggle is still to be made for the existence of those stones which we may now trace to the depositions of the member for Dover. That hon. member will not willingly surrender that warlike weapon; and as if the wonder were not already sufficiently surprising, he now tells us, that the stones collected on the ground after the day of the meeting, were "polished, as if they had been carried in men's pockets." Can this have been seriously said? Did the hon. member for Dover mean that it should be seriously listened to? Such a preparation for battle was never, I imagine, before heard of, since the days of Holy Writ, when, if I may allude to it without indecency, the champion of Israel chose two small pebbles from the brook as the only weapons he would carry to battle. But the Manchester reformers improved upon the example. They, it seems, loaded their pockets with stones; and marched to the combat more heavily laden than the old Roman legionary, who when "*impeditus*," as I think it was called, carried some four-score pounds upon his back. Let the House picture to itself this novel kind of heavy armed troops, carrying weight, and eager to meet the enemy, were it only to get rid of their load. Conceive them crossing a ford; how well provided for buoyancy! Then look at them rushing to battle with their hands in their pockets, against bayonets, and sabres, and cannon, and musquetry; many of them too with their wives and children under their arms—I suppose to pick up more stones for them when their pockets were emptied. Yet this picture, ludicrous as it is, is actually still presented to an English House of Commons as a fair representation of facts actually occurring in the heart of this kingdom.

It appears also that the members opposite still stickle for the reading of the Riot act. *It was not read.* The member for Dover says it was read by a magistrate. He is called upon to name by what magistrate; he reluctantly pronounces the name of Ethelstone. Indeed! What no better evidence? This is the person who sent his servant to tell the coroner at Oldham, that he would bring a person to prove the Riot act was read. Did he bring a person to prove it? He did not. Did he come to York to prove it? He did not. I am astonished, then, that the hon. member thinks this person worth quoting. We have the best evidence that the Riot act was not read. There is the silence of the prosecutors at York—there is more—there is the negative evidence of the man who deposed that the Riot act never was read. There is more still—for Mr. Hulton, at York, positively swore that neither he nor his brother magistrates attempted to persuade the people to disperse previously to the attack of the yeomanry. It is morally impossible therefore that the Riot act should have been read. Who read it? who heard it?—No one. Ethelstone said he could prove it. Did he do so? Did he try to do so? No. The noble lord, in 1819, said it was read three times. The member for Dover stands out for twice now. But we will not allow it to have been read once. It was not read at all. I repeat it was not read.

The depositions of the member for Dover give us nothing but refuted rumours. There we find the Oliver, long since vanished. There we find the Riot-act abandoned by all former evidence. In these same documents also we have heard that a colonel or major, I forget which, of the 88th regiment, deposed that only one person was wounded by his soldiers. Another mis-statement. There were eight. I say again that the wonder is, that more blood was not spilt on that dreadful day.—Mr. Stanley tells us, that he saw "the cavalry hurrying about in all directions completing the work of dispersion." Be it always recollected, that there was only one avenue perfectly free, through which the flying multitude could escape. What was the consequence? The very walls and iron rails gave way from the pressure of the crowds. Mr. Stanley's picture is truly awful—"During the whole of this confusion," says he, "heightened at its close by the rattle of some artillery crossing the square, shrieks were heard in all directions; and as the crowd of people dispersed, the effect of the conflict became

visible—some were bleeding on the ground and unable to rise; others, less seriously injured, but faint with loss of blood, were retiring slowly or leaning on others for their support." And this is what the hon. member for Newcastle (Mr. Wilmot) calls "justice on an extended scale." This is what he calls using "the sword of justice." What a phrase! I know that we should not weigh words too nicely here; I know that many things escape us in the heat of debate, which we would not wish to see recorded against us; and I cannot but think the hon. member himself must regret the use of such terms applied to this butchery. I will therefore dwell on them no longer; but I must be allowed to say, that all that fell from that hon. member was just assertion without proof—nothing whatever but assumptions of disproved facts. He told us in the beginning of his speech, that he could very much reduce the compass of the question—that he could give it to us as it were in a nutshell. But, so far from this compression of the question, he enlarged it beyond all the preceding debaters—and ran into a general discussion, not only as to the general character of all the transactions connected with the Manchester affair, but also as to the merits and motives of the individuals concerned in that unhappy event. So far from confining himself to the 16th of August, he travelled over much time as well as space to show the sort of men with whom the magistrates of Manchester had to deal. He favoured us with the usual charges against the reformers, and the favourite phrases of office rang through all his declamatory periods. I noted some of them: here they are—"measures of overt violence,"—"crisis of disaffection,"—"apparatus of republicanism and sedition,"—and lastly, "overthrow of government." Sir, these are all mere words, meaning nothing and good for nothing. It is an insult to our understandings to suppose that we will accept them as an indemnification for the blood of our fellow-citizens, poured out like water. Can the hon. gentleman offer any thing in proof of what he has said? He cannot. He has only been the echo of the persecutors of the people, who, for many years, have habitually insulted the people with these indefinite criminations. What does he mean by the "overthrow of government"? If he means of the old English government—of checks and controls—of the monarchy limited by the aristocracy in the one House, and by the fairly chosen representatives of the people in the other House—if he means of the government by law—then, Sir, as an humble individual, in behalf of that much injured people, I deny his assertion. I dare him to the proof of what he has said. The people never have talked of the overthrow of the government. It is true they have talked of the overthrow of the boroughmongering domination, which they contend has swallowed up all the power of the Crown, and the privileges of the people. If this be guilt—I am as guilty as they are. We have a right to put down this usurpation; and I, for one, will never desist from this, which I consider the first duty of every Englishman.

The hon. member for Newcastle, not content with the terror inspired by these words, has had recourse to the more material symbols of disaffection. "There were," said he, "to be seen on this occasion no less than eighteen flags, and (oh, monstrous!) five caps of liberty!" Atrocious indeed! five caps of liberty! Englishmen dare to carry caps of liberty! Sir, I wonder whether the hon. gentleman ever saw an old halfpenny. Did he ever see a picture or representation of one of those processions which we shall soon have the good fortune to see in reality? In former days our kings thought the cap of liberty a symbol not unworthy of gracing the day of their coronation. Perhaps new lights may have burst upon the regulators of this important ceremony, and the unlucky ensign may be banished from the approaching spectacle. As yet, however, there is nothing criminal in raising this truly British standard; and, admitting there were five or five hundred caps of liberty at the Manchester meeting, that, at least, was no excuse for military execution.—The hon. member alluded also to the frequent meetings preceding that of the 16th of August. Well; and why not frequent meetings? Government has no objection to frequent meetings, if convened to gull the people out of their money for loyal associations, or for loyal addresses, or for loyal loans. Government had no objection to the great meeting of the twenty-four townships, which took place at Manchester in 1812, for some such holy purpose as I have just described. In one word, meetings, whether in quick or slow succession, whether small or great, were not illegal

before the hon. member helped to make them so in the session of November 1819. They are like his imputed designs—his flags—his caps of liberty—namely, they are no excuse for cutting throats and mangling limbs—they are no excuse for the horrors at Manchester.

But the hon. member, as well as the solicitor-general, has alluded to the Smithfield resolutions as a proof of what the character of the Manchester meeting must have been. This is to me surprising. The Smithfield resolutions were not passed at the Manchester meeting; but they were intended to have been passed. How do you know it? Is it in evidence at York? No, it is not. But granted they were to have been passed at Manchester, what then? The argument, to my mind, is just the other way. The resolutions passed at Smithfield were, it is asserted, treasonable.—Well, was the Smithfield meeting dispersed at the point of the bayonet?—was any prosecution instituted against those who attended or conducted that meeting? No, none whatever. What is the conclusion? Why, that although the resolutions themselves, when passed, were innocent—although the meeting at which they were passed was innocent—yet the mere intention of passing the same resolutions at another meeting, made those resolutions and made that meeting of such a character, as to require instant putting down, not by the law, but by the sword! Can any thing be more absurd? The hon. member for Newcastle has, it seems, much confidence in gentlemen connected with the Lancashire magistracy. He will scarcely permit a breath to taint their unsullied character. He admires Mr. Hulton—he gives credit to Mr. Nadin—he has faith and charity for the whole bench of quarter-sessions. Their motives must be good—their actions must be justifiable—must be wise—and must be defended. Not so my hon. colleague. The case is and must be far different with respect to him. The member for Newcastle, of course, can see nothing tolerable in his motives—nay, he can see nothing intelligible in them. On the contrary, he can impute the present motion to nothing short of imbecillity. Sir, when that word caught my ear as applied to my hon. colleague by the member for Newcastle: I think I could perceive a smile in the House; and I know not whether it may be thought worth my while to pay any attention to such a charge. For my own part, it never has been, and never will be, my habit to set up an idol either for my private or public worship; but I think I may say of my hon. colleague, that the wreath which he has so fairly won and so modestly worn may protect his head at least from the lightning of the eloquence even of the member for Newcastle-under-Lyne. If, after all, the charges made against my hon. colleague, it should turn out that, instead of being the accomplice of some dark well-laid design, he is guilty of nothing but imbecillity in the bringing forward of this motion, then, indeed, I shall only speak of his fate in the words of Dryden.

> "To die for treason is a common evil,
> But to be hanged for nonsense is the devil."

The hon. member has adverted to the late period at which this inquiry is proposed. And he has said something of a statute of limitation for grievances. Sir, there was some such effort made to limit the period of inquiry, or rather to crush all chance of redress by the famous Six-acts-parliament. Thank heaven, however, those nefarious acts were as clumsily contrived as they were mischievously intended. The voice of the people has not been altogether suppressed. They have found means to keep alive, at least, the memory of these horrid transactions; but why do I say the memory—was this deed done ages ago? was it done at a time so distant as to leave only a faint indistinct trace visible at this moment? We have a maxim, *nullum tempus occurrit regi*—No lapse of time can be pleaded against the king;—and are we to think it so very hard that the people should ask redress for what passed something between 18 months and two years ago? And what a transaction to be forgotten and forgiven! Surely the people may be permitted to think of it even although two whole years should have passed before they obtained their demand. However, let us look at this complaint of delay. It comes with a very bad grace from the hon. gentleman opposite. Sir; the people did not delay an instant to ask for redress. They met in all parts of the kingdom immediately after the 16th of August, and took every measure in their power to procure justice. Then, was not every effort made in this House in the session of 1819? The gentlemen oppo-

site stopt all inquiry. They passed their six acts as a sufficient answer to all the demands made for redress. As to the question, why my hon. colleague did not make this motion before, that question is easily answered. Parliament was dissolved early in 1820, and did not meet again until the end of April. My hon. colleague gave notice of his motion the moment he heard of the final event of Mr. Hunt's trial—I mean of the cruel sentence passed on that person. He fixed his motion for some day in June, after the day fixed for the motion on reform by the hon. member for Durham. We all recollect that the motion for reform was stopt on the very day fixed for its discussion, by the arrival of the Queen. That arrival put the same stop to every other discussion. The mad and unaccountable conduct of ministers towards her majesty caused that delay; and now these same ministers charge the delay upon my hon. colleague. They know very well that it would not have given the question fair play to discuss it when the whole soul of the nation was wrapt up in the cause of the Queen. This House did meet from time to time; but it met only to adjourn. But the most ludicrous part of the accusation is, "Why did not the hon. baronet bring it forward early in this session?" Need I ask the House where my colleague has been during the early part of this session? Need I ask the hon. solicitor-general, who made the complaint of delay, who it was secured my colleague's absence from this House? Upon my word, Sir, this is dealing a little too hard with the complaisance of parliament. Ministers send a member of parliament to prison, and then complain that he is not attending his duty in the House of Commons. Granting, however, there has been a delay on the part of the mover, what has that to do with the right of redress? The mover may have been neglectful, but does his error stultify the claims of the people to have these murders inquired into?

Sir, I paid, as in duty bound, particular attention to the arguments of the Solicitor-general, but I must say that I heard nothing from him a whit more satisfactory than from the less learned advocate for the Lancashire magistracy and yeomanry. He, also, talked about "apprehensions," about "drilling," about "arming," about "counteracting wicked designs," about "Smithfield resolutions," about "government knowing this," and "the magistrates knowing that." But, I say, Sir, he never touched the question of the meeting itself. He knew he could not touch it; he has left it where he found it, and the House has learnt nothing from him on this, the only really important point of debate. He did, to be sure, say something of the communication between the hustings and the magistrates being cut off. He might as well have tried some other fact; for this is totally disproved by every respectable evidence; indeed, judge Bayley declared that fact not proved by evidence; for he said, "it did not appear that Nadin could not have served the warrant himself." The solicitor-general, leaving the meeting and the magistrates and the yeomanry to shift for themselves, has tried to exculpate his majesty's ministers. The ministers, says he, positively knew nothing and planned nothing previously to the meeting. They were, then, not accessaries before the fact; but I ask the House whether or not their thanks, given without inquiry to the magistrates and the yeomanry, do not make them accessaries after the fact? The approval of these atrocities could not but go far to ensure a repetition of them; I say the ministers are partakers of this crime, and must be content to bear the guilt, until they are exculpated by some verdict which exculpates the perpetrators of the deed itself. The solicitor-general and others, do indeed say that this verdict has been given. It has not been given; no verdict has declared the meeting illegal. The verdict at York did not declare the meeting illegal, at least as far as I can make it out. But supposing the meeting were illegal, does that justify the military dispersion of it? That question has never come before a court; it is true, Lancashire grand juries have thrown out five bills of indictment. But I ask whether, under all the circumstances of the case, a Lancashire grand jury can be thought an impartial tribunal? It is clear the King's-bench thought not; for it transferred the trial to York. The solicitor-general, then, has no right to appeal to juries; juries have done nothing in this case. Let me remark, that it is pleasant enough to hear this paramount importance of juries fall from the lips of the learned gentleman—from him who in 1819 attributed a great part of the disorders of the country to the ver-

dict of the jury that acquitted Mr. Hone.

But why not go to law? In this cry all the gentlemen opposite have joined. Easily answered, I think; look at the Lancashire grand juries; look at the proceedings at Oldham; look at the general proceedings of the coroners, one of whom got a verdict on a man named Pitts, who lost his life in consequence of the injuries received on the 16th of August, that he "died of natural causes." But why not file a criminal information? The offence committed was not a subject for a criminal information, it was a capital felony. But why not bring an action? An action for 628 people killed and wounded, and for thanking those who did this act! The proposal is absurd and preposterous; it is the constitution which has been wounded, and parliament alone can apply the cure; all the courts of law in the kingdom cannot reach the case; even if they could, I do not see that the king's government have shown any inclination to use the law, except against the sufferers by the calamity. They tell us we had funds and might have employed them. Sir, we did employ them to the utmost. Such is the blessed expense of even trying to get justice in this country, that we expended 1,077*l.* on the proceedings at Lancaster and Oldham; the trial at York cost the fund 810*l.*; so that what with charges for printing and assistants, we had only 1,206*l.* to divide amongst this dreadful list of sufferers; even now there is a law-debt unpaid of 700*l.*, notwithstanding the whole sum subscribed amounted to 3,408*l.* And we are taunted with not going to law! The jury at Oldham did declare that as far as the evidence had gone, a foul murder had been committed. How the proceedings at Oldham were stopt I will not detail. It is clear they were not stopt by any fault of those who asked for inquiry. This half-verdict is all we have been able to procure in the way of law.

Let me, then, ask the House whether some strange change must not have taken place in the English constitution, when such dreadful deeds can be perpetrated, and nothing follow but a broken, interrupted coroner's verdict? Does not this look like a loss of English liberty? The member for Newcastle says—no; you have not lost your liberty; and the proof is, that "the hon. baronet is allowed to support such a motion by such a speech." Sir, in certain conditions it is fitting to be grateful for small matters, and, perhaps, I am not quite so sensible of the obligation as I ought to be. Perhaps the people of England do not feel so warmly as they ought, for being still allowed the liberty of complaint. I may have made a great mistake in thinking this argument fitted rather for the meridian of Morocco, than for an English House of Commons. To be sure, our fellow-countrymen had been cut down, trampled upon, massacred, and it was rather natural for us to suppose, that even when we had wiped the blood and dust from our feet, we might be permitted to hope the fatal slaughter would not pass unrevenged. It seems, however, we made a lamentable mistake; it seems we should congratulate ourselves that we have not been robbed of the privilege of murmuring at that for which we have no right to demand redress. Let us, whilst we have it, at least, make the most of it. I will, for one; and thank the hon. advocate for "justice on an extended scale," that he still continues to dispense so gracious a bounty to his brother members of parliament.

The reason, indeed, why complaint alone is to be allowed, but nothing like redress, is not quite to my taste. Forsooth, if we even inquire, we shall (so the member for Dover says), "paralyze the magistracy." Sir, if the magistracy only commit vagrants, or affiliate bastards, or sit at quarter sessions in their usual capacity, I would allow them the free exercise of all their faculties; but if they send soldiers to cut the throats of my fellow-countrymen who meet to petition for reform of parliament, I certainly would "paralyze" them if I could. Their "justice on an extended scale," is not the justice which pleases me: it is not the justice which is compatible with happiness and freedom, according to my notions of happiness and freedom. As little is it the justice of which we find any traces in English history.

Suppose a stranger were to tell us that he had visited a country in which the people were said to be free, and to live under the control of equal laws—that in this country an immense body of the people had met to require a remedy for that which they had long thought a grievance, and which many of the wisest and greatest of their fellow-countrymen had long laboured to reform—that in the exercise of this their privilege, secured to them by

immemorial usage, and by charters sealed with the blood of their ancestors, they had been put to the sword—men, women, and children, indiscriminately, without mercy, without warning—that the blood thus shed had been scarcely staunched on the wounds of the victims before the thanks of the sovereign were conveyed to the authors and perpetrators of this bloody tragedy—that the voice of an indignant nation had called for justice, but that even inquiry had been refused, and that those who should be the depositories of the national feeling and the national interest, become the accomplices of all these horrors, and of all this injustice,—that so far from reparation being granted to the sufferers, punishment was prepared for the complainants—that not only the laws were baffled, but that all the engines of government were set to work, to prevent redress and to stifle inquiry.—Suppose the same stranger should continue to tell us that in this same country, those who had abused the ear of their sovereign, and changed, as it were, the fountain of mercy into a river of blood, those false servants were still allowed to enjoy the dignities and riot in the plunder of the state, whilst, whatever man was bold enough to raise his voice for justice, let him be the love and admiration of his fellow-countrymen—let him be unsullied by a single crime, that man should be marked out as the victim of further vengeance, and an attempt, fruitless, indeed, and absurd, made to degrade him by dooming him to a punishment which the voice of the whole nation had reserved rather for his persecutors—and, finally, that instead of any provision being made for the future protection of infringed rights and violated liberties, those rights should be further abridged, and those liberties further diminished; and temporary injustice be converted into permanent law,—I ask, would not such a representation appear the offspring of distempered fancy? or would it not seem the description of events passing in a country never cheered by the day-star of liberty—of a country whose people had pined for ever in hopeless bondage—whose nobles had always been the slaves of power, and whose annals could not record one generous struggle in the cause of liberty and virtue? Yet this is England; this is but a faithful picture of the transactions this night under discussion; and yet these transactions, horrid as they are, formed but one feature of the system which has changed the face of England; and which has made even those of a middle age scarcely able to recognize that free country into which they were born. From the first moment that reform of parliament became the object of a great body in this country, a resolution was taken to keep it down—and those acquainted with the transactions of the last thirty years, know that not only all our coercive laws, but every great change of policy has been directed to this sole end and aim. We made war against France to prevent reform in parliament. The attempt to establish constructive treason was made solely to put down the leaders of reform; and the measures of 1794 were renewed for the same purposes in 1817. In proportion as the necessity of reform became more apparent to the bulk of the people, the resolution to stifle the cry for that reform became more decided on the part of the abettors of the present system. Hence their gagging and dungeon bills; hence their suspension of the laws on which our liberty depends; hence their enormous standing army; hence also that frightful system, hitherto unknown to England, which, under the name of justice, lets loose the refuse of society against society itself, and arms a base and treacherous band of spies and informers against their defenceless fellow-countrymen.

That all these dreadful engines of oppression were set in work against reform there can be no doubt; and there remained only one other mode by which the government could act more rigorously against the abettors of that great principle. That mode was military execution; and I repeat, that it ought not to surprise us to find that mode tried at last. Whether the government commanded at first what they approved afterwards, is nothing to us; by their approval, they have made this act their own. If the blood spilt at Manchester be unjustly, be unmercifully, be cruelly spilt, they are accessaries after the fact at least; and on their heads must the injustice and the cruelty be finally avenged. We see how far this system has proceeded; we have no excuse of blindness on our part, or concealment on that of the ministers. If what has been done is to be tolerated in this country, let us not for the future affect any surprise to find that all our boasted laws, rights, and liberties, are but so many words; a mere unreal mock-

ery, to be used to cheat us when it serves the turn our masters, or to be dispensed with whenever open tyranny should appear more convenient and more effectual. It is the height of absurdity to suppose, that those who have done so much will not do more. It is the height of absurdity to suppose that the masters of a standing army and of a standing parliament will respect those rights which were established when there was no standing army, and no standing parliament. Let us therefore do something to rescue ourselves from the disgrace of total submission, and of unmixed despair. Let us not be more terrified with the remedy than the disease, lest we should find ourselves reduced to that condition, which Cicero, in a letter to Atticus, attributes to degraded Rome. "Nunc quidem novo quodam morbo civitas moritur; ut cum omnes ea quæ sunt acta, improbent, quærentur, doleant, varietas in re nulla fit, aperteqae loquantur et jam clare gemant; tamen medicina nulla afferatur, neque enim resisti sine internecione posse arbitramur; nec videmus qui finis cedendi præter exitium futurus sit."

The Marquis of *Londonderry* said, that after the extent to which the discussion had been protracted, he thought it would be an abuse of the patience of the House if he were to occupy their time, in using more argument than was necessary; but he was sure the house would feel, after the many personal appeals which had been made to him in the course of the debate, that, independently of the situation which he held, and his responsibility as a minister of the Crown, he should not stand justified if he did not enter into some explanation upon the question. That he had delayed doing so until that moment, was owing to the declaration of the hon. baronet, that not only the Manchester magistrates, but also the executive government were culpable in those transactions. He did not object to the executive government being held responsible for their conduct, and therefore he would enter into an explanation of that conduct; but before he did this, he begged to say a word as to the situation of government and of the House itself with respect to this question. And here he must protest against the assertion that any of the transactions at Manchester were under the direction of his Majesty's government. He could state that government was quite distinct from the whole of these proceedings; that all the matters now under discussion could not have been controlled or interfered with by ministers; and that they were not aware of their occurrence until they had been informed of them by Mr. Hay. It was then that they advised the thanks of the sovereign, of which he should say more presently. As to the assertion that ministers had applauded the spilling of blood, he was certain there was not a member of that House who believed it; for it could not be supposed that any men in their situation would be base and cruel enough to approve the shedding of the blood of his Majesty's subjects. He would state, that it was not because blood had been shed, and that the transactions were of a most painful nature, in consequence of the shedding of blood, that ministers were to shrink from their duty in thanking those whom they conceived to have conscientiously discharged arduous and important functions, leaving their conduct open to the visitation of the laws, if it should be afterwards found that those laws had been violated. It had been said, that ministers were culpable in not having waited for an inquiry before they gave the thanks of the Crown; but he maintained that they owed it to the magistrates to give an immediate opinion, as to whether they had been considered to have acted properly or not, without waiting for an inquiry into the minutiæ of the transaction. Why had not the same objections been made with respect to what had occurred relative to the riots in Cambridgeshire? The satisfaction which his Majesty's government had expressed at the conduct of the magistrates and yeomanry was not that blood had been shed, but that amidst those painful transactions—the most painful of which was the shedding of blood—the magistrates and the yeomanry have been found intrepid enough to discharge their duty on that day. If that expression of thanks could have stood between the magistrates and the visitation of the law—if it could be afterwards shown that they had violated it—then indeed ministers might have been to blame, even though they had followed a general custom; but when they had only adhered to that general custom in a manner which could not prevent the future visitation of the law, it was an unfounded aspersion to say that they had any wish to sanction cruelty or bloodshed.

Now, the House would allow him to say that this was the second time in which

his conduct, as one of the ministers of the Crown, had been arraigned upon the subject of those transactions at Manchester. It certainly was not in the same parliament, yet before the parliament of the country he had already explained the conduct of government; and the proposition for censuring that conduct had been rejected by perhaps the largest majority that had ever pronounced upon any question in that House; the numbers being 381 against 150. He would therefore say, that if such had been the opinion of the House at a time when the feelings of the public had been wound up to exasperation, by statements of what was said to have occurred, it ought to have been considered as decisive of the question. But, if that had not been thought sufficient by the hon. baronet, why had he delayed it until the present time? Why had he suffered the year 1820 to pass over without bringing forward his motion? Why had he waited to the present period of this session? He would answer, that it was to revive, by the re-agitation of this question, those feelings which happily, notwithstanding every thing that had been done, remained dormant in the country. In bringing this question before the House, the hon. baronet had thought fit to argue it as a transaction which should only be viewed as far as it respected Manchester itself. But was that the fair view of the question? Ought not the proceedings on that occasion to have been, as they were very properly, viewed with reference to the general state of the country? The spirit which was known long before that period to have existed at Manchester, was also known to prevail in many other parts of the country. It had extended to the metropolis itself, where an illegal meeting had been held in Smithfield, under the same individual who afterwards presided at Manchester. He had said that the Smithfield meeting was illegal; and he asked, could there be a doubt of the illegality of that meeting, where it was resolved that the national debt was not a lawful debt, and ought not to be paid, and that the people ought to pay no taxes, after a certain time, if parliament were not reformed? The same individual who had presided at this illegal meeting in Smithfield, was subsequently found going down to Manchester to preside at another meeting to be held there. Was not that of itself sufficient to create alarm in the minds of the authorities at Manchester? The spirit which had assembled the crowds at Manchester had afterwards exploded into positive rebellion, and had brought many under the lash of the law for that crime, and nothing but mercy could have saved more than a hundred persons from forfeiting their lives as traitors, in Scotland and in Yorkshire. It had not therefore been correctly stated, that the meeting at Manchester had consisted of moderate reformers, assembled for temperate discussion; but they were a great mass assembled for purposes of intimidation and in order to bring on a revolutionary movement; and if the design had not been repressed at Manchester, it would have broken out into rebellion, and instead of the blood that had been shed there, torrents of blood would have burst forth.

The hon. baronet had charged him with having made a statement formerly on this subject, and with having asserted the truth of the statement. Now, he positively denied that he had undertaken for the truth of one single fact which he had stated. He was in the recollection of many members of the House, when he said that he had only, in opposition to facts on the other side, stated facts on the best information he could receive. So far had he been from contending for the accuracy of the statement, that he had said that the House was not the place for inquiring into its accuracy; and he had only stated those facts to stay the feelings of the House, and to protect the characters of worthy men, as he believed them to be, against calumny and misrepresentation. For this purpose he had stated facts on the best information he could obtain. Yet, contending that he never had made himself answerable for the facts, he must, in justice to those from whom he had received his information, say, that it had not been found liable to any contradiction but such as must necessarily have arisen from the circumstances in which the information was given, and from a case of so much confusion. He would not now go into the facts, and it was quite unnecessary, if he could satisfy the House that their character and accuracy ought not to be inquired into at their bar. But he would say, that all the main facts which he had stated had been distinctly confirmed. He did not find that any one of the main facts relied on had been invalidated, nor any of those facts on which parliament had solemnly acted. The

facts were fully established, that there had been a meeting of from 70,000 to 80,000 persons, assembled under circumstances infinitely formidable in themselves; that the men had come in military array; and that they must have met for any object but that of sober reform. The magistrates had been, he did not say justified, but called on as honest Englishmen to be at their post and to take care to be supported by a proper military force. The magistrates had not intended to interfere with the meeting. They had taken their post for the purpose of watching the meeting, not of breaking it up. After a variety of depositions had been made, which gave a character of terror to the meeting in the minds of the people of Manchester, and which gave the meeting that illegal character which the law asserts, then had the magistrates granted a warrant. The House had the verdict of a jury, as far as the arrests, in justification of the magistrates. Mr. Hunt's conviction proved that the magistrates had been justified in issuing a warrant against Mr. Hunt, and those who had been acting with him. There was, therefore, not merely the depositions made previously to the issuing of the warrants, but the verdict of a jury since, to prove that the warrants were properly issued. The jury, acting under the instruction of the learned judge, who had felt no doubt so far as the persons convicted had been concerned, had confirmed the previous depositions laid before the magistrates. Who would venture to say that the meeting had not become illegal from the moment that the peace had been broken, and resistance had been made? From the moment that resistance had been made and tumult had arisen, the assembly had become generally and universally illegal.

If that was the case, the question then was, were the measures which the magistrates had adopted reasonable, or were they measures of cruelty and oppression, which would always be reprobated by British law? He still said that military force had not been called in until the person employed had said that he was unable to execute the warrant [Cheers from the Opposition]. He said that the magistrates had not employed a greater force than was necessary, and had not called assistance in until the danger of the yeomanry required it. Now, he would not attempt to go into the circumstances which characterized that day. Injuries had happened to many innocent persons. The servants of the magistrates, the constables, had suffered: they had been struck, injured, and trodden down. The bloodshed was not occasioned by the magistrates, but by those who excited the people to tumult; by those who, under the mask of reform, had no other object than rebellion. On such persons the charge of blood ought to fall, and not on the magistrates who were performing a painful and difficult duty, and who had the manliness to do that duty with firmness. He would not condescend to comment on the assertion that justice could not be obtained. Did they mean to say, that the grand jury of Manchester had failed to do their duty? Did they mean to say that it was a question of blood, and that if it was, the misconduct of any grand jury could shut up a case of murder from investigation and punishment? It would have been better if the hon. baronet had left the question of murder, supposing it to be such, to the decision of a jury, for which, upon other occasions, he professed to have so much respect, than to let it lie upon the Journals of parliament until it suited his convenience to bring it forward. Did the hon. baronet mean to say, that the House of Commons was a more competent tribunal in such cases than a jury of the country? Did he, after all his attacks upon that House, which he did not even treat with ordinary respect, which he took all opportunities to traduce and vilify in other places—did he now come to that House as the only place in the country where justice could be obtained? It was an insult to their understandings to assert that the hon. baronet had no other means of proceeding than by such an application, or that those who suffered had no other opportunity of redress than by putting their case into the hands of the hon. baronet to be dealt with at his convenience, and according to the new view he had taken of the justice and competency of the House of Commons. Would not the sufferers have their civil action against the officers concerned, and against the yeomanry, in which the whole question might be brought under the view of the court?

But it had been asked, why certain individuals were not examined on the trial of Mr. Hunt? The reason was obvious —because the question before the Court was merely whether the meeting was legally or illegally convened. Why, he

would ask again, did they not bring their actions against the Manchester yeomanry, who had been most unjustly vilified throughout the whole of these transactions, as all men were sure to be who stood forward boldly to discharge their duty to the country? It had struck him, last night, as whimsically amusing, when the hon. member for Dover was stating facts as they had been given to him, to see the hon. member for Shrewsbury (Mr. Bennet) constantly interrupting him with the question, "Is that deposition on oath?" meaning if it was not on oath, that it was unworthy of attention; while all the reformers of Manchester who sent up statements to that House were to be believed on their honour and conscience! It was a proof that they had not a foot of ground to stand upon, when they did not dare to appear before a jury.—But then it was urged, on the other hand, that the poor people could not afford to go to trial—that they had not the means. It appeared, however, that their case had attracted the attention of the hon. baronet, whose name appeared at the head of a large collection for the sufferers, amounting, he believed, to 2,000*l*. But had a farthing of that money been applied to the prosecution of those who were charged with these atrocities? He knew it had been said, that some portion was expended at Oldham; but never was there a proceeding more unjustly instituted than that, or more unlikely to answer the ends of justice in any respect—it was a mode of getting up a case to influence the public mind and mislead the public opinion, and not to try the merits of the question. But how was the money applied?—in advertising for the persons who had been wounded. It was impossible not to feel one's heart bleed for those who suffered, whether through their own infatuation, or innocently, as was often the case in tumults; but still he maintained that those funds would have been better employed in a country like this, where no sufferer, where no wounded man could be left to perish, in prosecuting the offenders, if there was a case against them, than in advertising for wounds and bruises, and for every thing that could exasperate the feelings of the people, already sufficiently excited. The hon. baronet came with the worst possible grace before parliament, after the House had already pronounced a solemn decision on the subject; not that they were indifferent to the sufferings endured, but that they thought them better trusted to the ordinary tribunals of the country. There was no case laid before them now which would justify them in changing that opinion, with regard to transactions of so complicated a nature, and to individuals excited and irritated by the transactions. An hon. and learned gentleman had said, on the former night, that the question was of so lofty and sublimated a kind, as to be unfit for the jurisdiction of the King's-bench; that the conduct imputed to the magistracy and yeomanry constituted an offence not known to the law, and therefore that a final judgment ought to be pronounced upon it by a decision of that House. The hon. and learned gentleman, however, would find it difficult to convince the country that it might be better decided in that House without an examination on oath, than in other places where oaths were administered to the witnesses. If he knew any thing of a British House of Commons, they would discharge their duty to their constituents upon a better principle. He was confident that the good sense and manliness of parliament would look at the question as an attempt—a feeble attempt, thank God—to revive the inflammation which had subsided. To that manliness and intelligence, which was its characteristic, he looked for the putting down of discord, and the discountenancing of treason and rebellion. We were delivered from the delusion of another great question, and this was an attempt to renew the excitement of the public mind. Whatever might be said to the disadvantage of parliament, and whatever pains might be taken to degrade and vilify the House of Commons, and propagate an opinion that it was not respected, he would say that the voice of parliament had a magical influence on the public mind. The danger of treason had disappeared before the thunder of parliament, and he was still confident that the delusion could never be revived by the hon. baronet, if the manliness and wisdom of parliament continued to manifest itself, by their strong and decided vote that night.

Mr. *Scarlett* said, he had no doubt that the noble lord's speech was well calculated for its purpose, and that it would have its impression. It was a speech partaking more of the nature of magic than of reason. If it had not reason in it, it had some-

thing beyond it. And the noble lord himself seemed to be the greatest conjuror in the House. This he was sure of —that if the noble lord were not better acquainted with the House of Commons than with the nature of fair debate, he would not have attempted to defend the weakness of his own cause, by carrying war into the territories of his opponents, and imputing motives to all who stood in his way. From the real nature of the case on the noble lord's part one would have expected a candid and modest defence—[A laugh, and "Hear, hear,"]—he said candid and modest, for if it was a defence which the noble lord had made, it was not altogether remarkable for the character of modesty. A great part of it had been an attack on the motives of those who had brought forward the present motion. If the noble lord could not think of the transaction at Manchester without feeling his heart bleed, could he not conceive any motive for this motion but what was mean, base, and inconsistent with humanity? Might not those who brought it forward be supposed to feel their hearts bleed also, at the injuries and sufferings of that day, and might not the tenderest humanity be their motive? The noble lord had said truly, that the verdict of a jury had proved the illegality of the meeting, but that the question of the dispersion remained altogether untouched. But it was new to him (Mr. Scarlett) to hear that when the dispersion was of such a nature as to make one's heart bleed, the only remedy was specific actions for each case of injury. He thought that the circumstances which made the heart bleed—an immense assemblage, who had committed no outrage, dispersed in a manner so cruel, trampled on, wounded, and some destroyed—might be brought before a British House of Commons from a feeling concern for our fellow subjects, and without any disposition to excite tumult. The noble lord's manner indicated the triumph he anticipated; his confidence had arisen from his knowledge of the result. The subject itself, he (Mr. Scarlett) viewed perhaps differently from any view that had hitherto been taken of it. He was unwilling to refer to matters in which he had taken part; but having been alluded to from both sides of the House, he would offer a few observations on the trial at York. It was perfectly fair to draw inferences from his manner of conducting the trial, but not from his silence in that House, respecting his motives. Why Nadin and others had not been called, the House would not at least know from him. The public had a right to draw their own inferences. He had endeavoured on that occasion to follow the same path of duty as on every other; and to effect this object by all the means consistent with a good conscience. It had been said that he was well acquainted with the magistrate, Mr. Hulton. He was not well acquainted with him, he knew none of his family; and all he knew of him or his family was to his credit. One of his objects in now addressing the House was to redeem his pledge to Mr. Hulton. Mr. Hulton had been examined; his examination was before the public; it was not so correctly reported as it ought to be; but no intentional misrepresentation could be imputed to any one. The meeting having thus begun to assemble, the mode of its assembly, and the increasing numbers of those assembled, appeared to inspire the inhabitants of Manchester with considerable alarm. The magistrates, who at that time were assembled at Mr. Buxton's house, did not contemplate any thing more than the collecting of a military force in the neighbourhood to watch the meeting, until they received the depositions of thirty or forty respectable gentlemen, that the terrors of the inhabitants were still further excited. It was not until they had received those depositions that they entertained the design of arresting the leaders of the multitude which was then collecting before them. A warrant was then prepared for their arrest, and put into the hands of Nadin, the constable. Mr. Hulton stated, that Nadin told him that it would be impossible to execute it without the assistance of a military force. The consequence was, that he ordered a military force to approach the house where the magistrates were sitting. The Manchester yeomanry were the first troops that came, and they drew up under Mr. Buxton's windows. Mr. Hulton stated, that he never gave them orders to ride into the meeting and attack the multitude. He (Mr. Scarlett) was not able to give any satisfactory information to the House how it happened that the yeomanry did ride into that meeting. He had however been given to understand that they had done so upon the representation of one of the constables. Mr. Hulton declared

that he knew nothing at all of their advance until he saw them engaged with the multitude. They must have advanced, with considerable alacrity, inasmuch as they rode over one of their own constables in their course. When they had arrived at the hustings, Mr. Hulton thought, from their appearance, that the multitude had obtained an advantage over them. At the very moment that Mr. Hulton was labouring under this impression, colonel L'Estrange came up with a body of cavalry to Mr. Buxton's, and formed them in the same place in which the Manchester yeomanry had been formed. Colonel L'Estrange then said to Mr. Hulton, who was standing at the window—"What orders have you for us?" Mr. Hulton then answered, "Good God! sir, how can you ask such a question? Do you not see that they are defeating the yeomanry?" Colonel L'Estrange took that answer, as in point of fact it was, for an order that he should advance to the rescue of the yeomanry. That statement, it was necessary for him to premise, was the statement of Mr. Hulton. He should now beg leave to trouble the House with his own opinion of what were the real facts of the case. If gentlemen would take the trouble of looking at the trial, they would find that two reporters were examined at it—one of the name of Orton, the other of the name of Tyas—both young men of education and of considerable talent. The former was called in behalf of the prosecution, and the latter in behalf of the defence; but the evidence of both he conceived to be important to the prosecution. Mr. Tyas upon his examination proved on oath all that he had previously written; and it was only fair to state, that his account was corroborated in all its leading facts by the evidence of both parties. It appeared, then, from Mr. Tyas's statement, that the Manchester yeomanry had rode into the multitude, for the purpose of arresting the individuals who were the leaders of it. When they had ridden up to the hustings, they formed round them; and the officer of the cavalry went up to Mr. Hunt, and said to him, "Sir, I have a warrant against you, and arrest you as my prisoner," or, in other words, called upon him to surrender. Mr. Hunt then said that he would surrender himself to any civil officer who would show him his warrant. After that, Nadin came up and said that he would arrest him, as he had got information upon oath against him; upon which Mr. Hunt surrendered. A person of the name of Saxton was standing in the cart. Two of the yeomanry rode up to him. "There," said one of them, "is that rogue Saxton—do you run him through the body." "No," replied the other, "I had rather not—I leave it to you." The man immediately made a blow at Saxton, and it was only by his slipping aside that the blow missed him. After that had happened Mr. Tyas said that something like a cry of "Look at their flags—have at their banners," was raised by the yeomanry, and that then they dashed at the flags which were on the hustings. That was the moment at which Mr. Hulton observed them riding into the crowd, and conceived them to be in danger. Had the yeomanry stopped after they had taken the flags, he was disposed to think that no great mischief would have been done; but instead of doing so, they then began to attack the multitude. This he believed to be the real state of the facts; and it was only due to candour and justice to say, that according to this account of the transaction no censure could justly attach to the magistrates. If they had acted under a sense of duty created by an impression of alarm, their error was certainly venial. The House ought to judge of the conduct of the magistrates, not by the considerations which suggested themselves after the event, but by the considerations which suggested themselves to their minds at the moment. They ought to judge of them by the feelings which must have been foremost on the minds of the magistrates at the instant, and by the apprehensions which they had reason to suppose existed in the minds of the inhabitants of Manchester. A meeting so numerous as that was, must have excited fears in their minds; and they might naturally think that the best mode of getting rid of those fears would be by arresting the leaders of the multitude before the multitude had become inflamed by their seditious harangues. If the act were to do over again, he should certainly advise the magistrates, under all the circumstances of the case, not to do it; but it would be hard to say that they ought now to be censured for having done it. The hon. and learned gentleman then proceeded to state his opinion, that the most unfit body to disperse that meeting was that respectable body—for so he

must still call them—the yeomanry of Manchester. That town, in point of population, was the second in England, and was as much attached to his majesty's government as any town in the kingdom. The lower classes in that town and the neighbourhood did not agree in political opinion with the great mass of the richer inhabitants: indeed a bitter spirit of hostility existed between them. The yeomanry of Manchester, who did not consist of farmers, as in other parts of the country, but of individuals engaged in various branches of trade, felt considerable resentment and indignation against those who advocated the principles of reform, which they themselves conceived to be destructive of, instead of necessary to, the constitution. On that fatal day, the 16th August, their feelings were imbittered by the circumstances which had attended a former meeting, and received still further aggravation from the resentment which they felt at the attempt made, as they conceived, to dictate to the town, through the means of an immense multitude, by a person totally unconnected with it. The multitude, however, ought not to have been dispersed at all in the manner it was dispersed. The yeomanry had no right to act at all without the authority of the magistracy. They might think it to be their duty to rdie into the multitude without orders; but, in his opinion, it was clearly a great misconception of duty. The learned gentleman then remarked, that in the course of the trial it had become important to discover, whether any attempt had deen made to serve the warrant without the assistance of the military. The learned judge had asked, again and again, whether any application, either personal or by proclamation, was made to the crowd to get out of the way in order that a warrant might be served by the civil power; and the answer which he invariably received was "No." When the constables advanced, they were met, some said, by cheers of welcome; others, by cheers of defiance. The cheers, perhaps, were a mixture of both. Why should they not cheer? Was any gentleman bold enough to say that they had not a right to resist if a parcel of soldiers rode in upon them without a warrant? He must confess that he was not the man bold enough to say so; on the contrary, he said that they had a right to resist, if they were rode in upon without the authority of a warrant. Until the moment that Hunt asked for the warrant and Nadin produced it, they had no right to disperse the meeting. The reasons which he had stated he conceived to be such as called upon the House to institute an inquiry; but besides them there was another reason not less cogent, namely, the necessity of preventing the recurrence of a similar scene upon any future occasion. The learned gentleman then said, in referring to lord Sidmouth's letter of thanks to the magistrates, that it showed unfit precipitation on the part of government, and frankly confessed that, viewing it as he did, totally divested of all party feeling, he conceived it calculated to produce universal irritation in the country. His hon. friend, the member for Westminster, had been prosecuted for the letter which he wrote regarding it, on the ground that his letter was calculated to prejudice the trial then pending. Might not the letter of lord Sidmouth have been prosecuted upon exactly the same grounds, returning, as it did, most unqualified thanks to the magistrates within two days after intelligence had been received of a transaction, of which, according to the noble lord, the very recital made the heart bleed? He thought that every magistrate in the county of Lancaster, and that even the gentlemen of the grand jury itself, must have been influenced by that letter, as the thanks which it contained rendered the question completely a ministerial one.—The hon. and learned gentleman, after some further observations on the same subject, in order to show the political hostility which existed at Manchester about the 16th of August, alluded to a fact which occurred on the cross-examination of Murray, one of the witnesses examined at York. The witness was asked whether he had ever said that "rather than see the reformers triumph, he would prefer to walk up to his knees in their blood." He refused giving a direct answer to the question; but he said that he would not believe any reformer upon his oath. For aught he knew, a similar feeling might have existed in the breast of some members of the grand jury, and might have led them to reject bills which were presented to them upon the oaths of reformers. It was said by gentlemen on the other side, that no attempt had been made to bring this question to trial before the usual tribunals of the country. Surely those gentlemen had forgotten

that bills of indictment had been offered to grand juries, but rejected, and informations asked for against magistrates, but refused. But then it was said, that no action had been brought to recover damages for the injuries which had been sustained; and that that was one way of trying this great constitutional question. If it was, it was information to him; for he did not see how a question of that importance could be settled by a civil action. How could an old woman of 82, for instance, bring an action of damages for a wound which she had received from a yeoman whose person she could not recognise? On a former occasion when this question had been discussed in the House, it had been said—"whilst a prosecution is depending, the House must not interfere." On that occasion he had said, that he knew of no question then before the courts, which would bring to trial the conduct of the military and the magistracy towards the people. The trial at York had proved that he was correct. That argument therefore, such as it was, could now no longer be used. The question then was reduced to this point—was the time too late for the House to interfere? Did the noble lord mean to say that if the constitution had been violated, time should make the people of England sleep over the injury which they had received? He should indeed think ill of the people of England—he should indeed consider them unworthy of the liberty which they enjoyed—if a short year and a half could make them forget those wrongs which, according to the noble lord, made the heart of those who had only read them bleed to the inmost core.

The *Attorney General* said, that after the length of discussion into which this question had gone, it was not his intention to occupy the time of the House, because he thought the speech of his hon. and learned friend, and the very candid statement he had made on this occasion, had not only relieved him from the necessity of addressing many observations to the House, but must have convinced those who sat around him that this motion could not be supported. The hon. baronet, in his opening speech, attached great blame upon two parties who were entirely relieved by the speech of his hon. and learned friend, namely, his majesty's ministers and the magistrates. What was the charge against his majesty's ministers, made by the hon. baronet and reiterated by the learned member for Nottingham? why, that they deliberately authorized the transactions. His hon. and learned friend (Mr. Denman) asserted, that he believed the magistrates could not have acted in the way in which they did but for the previous sanction of his majesty's government. What was the next charge? That the magistrates deliberately and wantonly authorized the scene which afterwards took place. What was the testimony of his learned friend (Mr. Scarlett) fully confirmed as it was by the letter of Mr. Norris and the testimony of Mr. Hulton?—that the magistrates never had the intention of dispersing the meeting, or of arresting Mr. Hunt, until after the meeting took place, and those circumstances fell under their notice which rendered it an imperative duty to issue the warrant. Then all the charges which the hon. member for Westminster had so lavishly made against ministers, were overthrown by his learned friend, who had stated, that not only in his conscience did he believe that the magistrates had no intention of dispersing the meeting, but that he believed his majesty's ministers never authorized, or sanctioned the dispersion. If that was the result of his learned friend's speech, then the question was reduced to this, whether an inquiry was to be instituted at the bar of that House into the conduct of the yeomanry? With respect to that question, it could be investigated and ought to be investigated by the tribunals of the country. Did his learned friend say it could not be discussed by way of action? Had not the greatest constitutional questions been tried by action? How were the questions of ship-money and general warrants decided? He said, therefore, that by way of action it could be tried. They might have brought an issue to try whether the yeomanry were sanctioned, and whether the magistrates could, under such circumstances as presented themselves, order them to advance. Then his learned friend said, attempts were made by bills of indictment, and that grand juries had thrown out those bills. That was, he believed, the first time that the circumstance of a bill being thrown out was offered as a presumption of guilt. And yet the grand jury were told that they were so deluded, and had so involved themselves in particular feelings, that they had unjustly thrown out those bills, because, perhaps, they could not give credit to the reformers. Was such an imputation ever cast on the

noble lord who was the foreman of the grand jury? Then it was said, in order to get out of that dilemma, "but the noble lord might not have concurred." If that was so, still it was casting imputations on the majority of the grand jury, that nothing which had occurred authorized gentlemen to do. The same happened on the inquisition before the coroner; all those inquests had exculpated the military on that occasion, with one exception, in which a constable was killed. But what had prevented the parties from preferring bills again, if they were dissatisfied. The natural inference was, that they had no case; particularly when he recollected the activity used, and the subscriptions which were raised to enable the parties aggrieved to bring to justice those who had injured them; and be it recollected, that part of the sum was expended, not for the purpose of investigating the cases of those men, but in defending the person who was the real author of the injuries; not for the purpose of bringing an action against the magistrates, or investigating the conduct of the yeomanry, but in defending those persons who were convicted by a jury, and whose conviction had at last extorted from the gentlemen opposite that this meeting was illegal. Then his learned friend had enlarged on the conduct of ministers, as having had the effect of prejudging the question. Did his learned friend forget what had taken place at the county meeting at York, and at county meetings over almost all the kingdom? Notwithstanding the attempt made by the noble lord to explain, no man could read those resolutions, and not see that they did not mean explicitly to give an opinion. He should take the trouble to refer to those resolutions, and leave it to the House to say whether they did not convey that, in the opinion of the meeting, the assembly at Manchester was a legal assembly? What was the second resolution? That it was a direct violation of law, and an alarming invasion of the rights of the people to disperse, by violence, and still more by the employment of a military force, a meeting legally assembled and peaceably held for such purposes. He said that this resolution meant to convey, that the meeting was legally assembled. The next resolution was still more explicit; "That we have learned, with unfeigned concern that a meeting held at Manchester on the 16th August last, avowedly for such purposes, at which it has not hitherto appeared that any illegal act had been committed, or that previous proclamation to disperse had been made according to law, was suddenly attacked and dispersed by a military force, whereby the lives of a great number of his majesty's subjects were endangered, many of them wounded, and some killed." The resolution affirmed, that this meeting was legally assembled, and it affirmed that it was illegally dispersed. There was no man who had read those resolutions with candour, who did not see that they meant to affirm that this meeting was legally assembled and that no illegal act was done before it was dispersed by the military. But these were not the only resolutions. There were others moved in various parts of the country, and that at a period when legal proceedings were instituted; and yet they were told how improper it was to send that letter which merely thanked the magistrates for their exertions, without affirming any thing with respect to the meeting! The hon. and learned gentleman, who had adverted to the prosecution instituted against the hon. baronet, had admitted that a jury at York had declared the meeting to be illegal. This being the case, were not his majesty's ministers justified in the course which they had adopted? And he would ask, what other consequences could follow from an investigation by that House than a prosecution against the yeomanry, which had not been yet instituted, and which, in the absence of all investigation by that House, was still open? If he believed the statements in the petitions presented, there could be no difficulty in instituting these proceedings; seeing that the names of the parties stated to have committed the outrage, had been mentioned. If the only question was, the conduct of the yeomanry, that conduct was still open for investigation in the courts of law. At that late hour he should not enter farther into the question, particularly as the speech of his learned friend had exculpated his majesty's ministers and the magistrates, to whom the hon. baronet had attempted to attach the odium of the transaction. The verdict of guilty against the persons tried at York had justified the conduct of the magistrates, and if the conduct of the yeomanry were culpable, the time which had elapsed did not bar investigation in the courts of law, and parliament would do an injustice to the parties accused, by

taking that investigation from the proper tribunals. The hon. baronet had said that the facts on which the ministerial side of the House relied had been disproved by the evidence at York. He maintained that they had not; but even supposing that they had, was it fair to characterize the proceedings of the 16th of August as a murder and a massacre? As far as any investigation had been made into the subject, they had been found not to be murder; and he would ask, where was that candour on which honourable gentlemen so much prided themselves, when they stigmatized with such epithets the actions of men whom they wished to put upon their trial?

Mr. *Stuart Wortley* said, so much allusion had been made to the York meeting, that he thought he should be wanting in respect if he did not state his own opinion, that in the resolutions of that meeting the question of the legality of the assembly at Manchester was not prejudged; because particular words were inserted, qualifying the opinion and limiting the object of the people on that occasion. He felt called upon to say further, that in the speeches made on that occasion, his friends who were opposed to him did not prejudge the question: they did not state that the meeting was legally assembled, but they said that the transactions required investigation. Having said thus much, he had only one other remark in answer to what fell from the gentlemen on the other side, as to the reason why he could not vote for inquiry formerly; namely, that a prosecution was pending. Undoubtedly that was one of the reasons that he gave; but he also gave as a reason, that these circumstances never could be inquired into by parliament with any hope of coming to a satisfactory conclusion. But if he was of that opinion formerly, he must say that the speech of the hon. and learned gentleman (Mr. Scarlett) had completely convinced him, that, to enter into inquiry would be useless, and that the persons who were injured had a remedy in a court of law. The learned gentleman had acquitted the magistrates of blame; he had stated that the yeomanry advanced without authority. Was not that a subject for investigation in a court of law? He had always understood that a military person in command, if his troops acted against the people without orders, was amenable to a court of law; and it appeared to him that the not bringing these persons to the bar of justice was a clear proof that those who complained had no case against them.

Lord *Milton* observed, that the explanation of his hon. colleague, as to the York county meeting, rendered any observations from him on the subject unnecessary.

Sir *F. Burdett* rose to reply. He said, that after the ample discussion which the subject had undergone, he would detain the House but a few moments. The case remained precisely where it was; for the noble marquis and the hon. and learned gentlemen opposite, and all their adherents, seemed determined to shut their eyes to the real and great question, and to endeavour to turn the attention of the House to minute parts of it. They talked of it as a question between certain persons who had been aggrieved, and those by whom they had been aggrieved, instead of a question between the people of England and his majesty's government. That the people assembled at a public meeting were to have the military let loose upon them, and that it was to be held that no one was amenable for that act, surely afforded the strongest ground for parliamentary inquiry. The House ought to be informed by an inquiry at the bar, whether the troops had committed military execution without the authority of the magistrates, and had of their own head perpetrated the violences which had occurred. They ought to be informed whether ministers stood clear on the subject. Seeing the correspondence that existed between the magistrates and his majesty's ministers; seeing that the latter had published the letters of the magistrates, but had not ventured to lay before the House their answers; seeing the ungracious answer to the sheriffs of London put into the mouth of his majesty, who was made to say, that the citizens of London could not know the previous transactions and circumstances at Manchester; seeing all this, it was difficult to believe that what had taken place was not, in a great measure, the result of directions from his majesty's government. As to its being too late for the investigation, that he denied. The time that had elapsed had only served to divest the subject of all false appearances, and to exhibit it in its true shape and colours. The noble lord had made his statements lightly, and without any shadow of proof. The attacks of the military upon the people were distinctly

proved; indeed, so distinctly, that the learned judge who presided at the trials at York, stated to the jury that there appeared no justification for the employment of the military in the execution of the warrant. Though the parties tried at York were charged with a conspiracy, yet the legality of the meeting did not appear to be decided by that trial. It was said on that occasion, that the parties had been guilty of stirring up the minds of the people to a hatred and contempt of the government of the country. But it was hardly possible to touch upon public grievances —to point out even the corruption of that House—without involving one's self within the scope of such a charge. The whole of the facts stated determined one point, namely, that Mr. Hunt and the other parties had not attended the meeting with the motives imputed to them. An hon. gentleman who had just sat down had, as gentlemen under the influence of passion were generally in the habit of doing, recommended calmness and coolness to him. He knew not how to reply to this advice, as he did not feel the want of those qualities; perhaps indeed he might, in the heat of argument, have been betrayed into hasty expressions; and there never was a question more calculated to excite, and at the same time to excuse, the warmth of a man's feelings than the present. The hon. member for Dover had attempted to throw discredit upon the investigation which had taken place, as well as upon that now proposed, by stating that he had had the good fortune of meeting persons who were said to have been killed at Manchester, alive and unhurt; that a child reported to have been killed by the yeomanry, had died of convulsions; that a man reported to have been killed by the constables, had been actually choaked by eating mutton; and that a father, after having in the hospital identified the clothes of his son, whom he understood to have been murdered, had afterwards met that son alive and well. The hon. member for Newcastle had gone further than the noble lord had the face to do. The noble lord had confined the guilt to the Manchester yeomanry; but the hon. member contended, that no guilt could be imputed, but that it was an act of extended justice.

Mr. *Wilmot* appealed to the House, whether any hon. member had a right to put a forced construction upon his words? What he stated was, that if the military had been called in by the magistrates, in the exercise of a sound discretion, then the magistrates were not responsible for the acts subsequently committed by that military.

Sir *F. Burdett* expressed himself satisfied with the explanation of the hon. member, as it appeared that he was not an advocate of that extended justice to which he had alluded. The noble lord had stated that which was a perfect truism: he had said, that he could rely upon the present construction of the House of Commons. No man would dispute the noble lord's intimate acquaintance with the formation of the House: he was a witness, *omni exceptione major* on that subject; for he had no doubt studied its construction with the painful skill of an anatomist:—he was, besides, well qualified to judge of the construction of the House of Commons of England by his knowledge of that of Ireland. He was well aware of the value of its present construction for his own purposes; and that the House was worthy of his lordship, and his lordship of the House, he would be the last man in the world to deny. Not, however, understanding all the excellent qualities of the House as the noble lord did, he could not but regard it as a body most mischievous and pernicious to the country, and one which the people of England were naturally anxious to see reformed.—[Cries of "Order!"]

The *Speaker* was satisfied that he need not repeat the words which had fallen from the hon. baronet in the heat of the moment, to convince him that his conduct was irregular.

Sir *F. Burdett* professed himself ready to submit to whatever the Speaker might judge correct in the course of debate. The real question at issue was, whether in future the people of England should be allowed to exercise their undoubted and unalienable right of meeting in any manner and in any numbers, for any lawful purpose; or whether the intestine war, which the noble Secretary at War had said had been carried on against them for the last five years, was still to be continued. He was convinced that the people were in no way hostile to the institutions of the country; but they thought themselves entitled to the constitution, and to all those rights which the constitution gave them; above all, to that great right of free election of their representatives for the protection of their interests and

property. This was the whole object of the meeting at Manchester; yet it was there that more than six hundred men, women, and children, had been killed, wounded, or maimed; and yet, it was into this horrible transaction that ministers refused inquiry. As to the proceedings of the grand jury at Lancaster, he intended to cast no imputations on them; but he must say that it was utterly incomprehensible to him upon what ground the bills were rejected by them, recollecting that all the facts were beyond the possibility of dispute. Then they came before the coroner, where, according to the assertion of the noble lord, some tricks were played. What were those tricks? The number of witnesses who pressed forward to give evidence—of that the coroner should have judged. It was however known that the inquiry before the coroner had gone so far, that the jury had made up their minds upon the verdict which they meant to give; but their intentions were defeated by the conduct of the coroner himself. He would ask the House how it could—after this—be said, that the people had not made every application in the usual course of justice? In each attempt the people had failed—their successive applications had been refused. His reason, therefore, for pressing this question was, that the public mind was not satisfied; nor would it be satisfied until an inquiry had taken place into these transactions. While he had a seat in the House he would press for this inquiry. If the king's ministers would now say that they would take up the inquiry, and report to the House upon it, then he would rest satisfied; but if that were not done, then he had only to repeat, that the people would never rest satisfied until some satisfaction were had for, or inquiry made into, these calamitous transactions.

The House divided: Ayes, 111; Noes, 235: Majority against the motion, 124. Adjourned at a quarter before three in the morning.

List of the Minority.

Abercromby, hon. J.
Anson, hon. G.
Allen, J. H.
Baring, H.
Barnard, visct.
Barrett, S. M.
Becher, W. W.
Bennet, hon. H. G.
Benyon, B.
Bernal, Ralph
Birch, Joseph
Brougham, Henry
Bury, visct.
Byng, G.
Blake, sir F.
Bright, Henry
Chaloner, Rob.
Calcraft, John
Calvert, Charles
Caster, John
Cavendish, H
Clifton, visc.
Coke, T. W.
Colburne, N. R.
Concannon, Lucius
Crespigny, sir W. De
Crompton, Saml.
Creevey, Thomas
Davies, T. H.
Denison, W. J.
Denman, Thos.
Dundas, hon. T.
Ebrington, visc.
Ellice, Edw.
Fergusson, sir R.
Fitzgerald, lord W.
Fitzroy, lord C.
Folkestone, visc.
Gordon, Robt.
Grattan, J.
Grant, J. P.
Griffith, J. W.
Guise, sir W.
Gaskell, Ben.
Haldimand, W.
Harbord, hon. E.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Hughes, W. L.
Hume, Joseph
Hutchinson, hon. C.
James, W.
Johnson, col.
Lambton, John G.
Lemon, sir W.
Lennard, T. B.
Lushington, Dr.
Maberly, John
Macdonald, J.
Mackintosh, sir J.
Maddocks, W. A.
Martin, J.
Maxwell, John
Milbank, M.
Milton, visct.
Monck, J. B.
Moore, Peter
Moore, Abraham
Nugent, lord
O'Callaghan, J.
Ord, Wm.
Palmer, col.
Palmer, C. F.
Philips, George
Philips, G. jun.
Powlett, hon. W.
Price, Robert
Pryse, Pryse
Peirse, H.
Ramsden, J. C.
Ricardo, David
Robarts, A. W.
Robarts, G.
Robinson, sir Geo.
Rowley, sir W
Rumbold, Charles
Russell, lord Wm.
Rice, F. S.
Smith, John
Smith, Wm.
Smyth, J. H.
Scarlett, James
Scudamore, R.
Scott, sir W.
Sefton, earl of
Stanley, lord
Stuart, lord J.
Tavistock, marq of
Taylor, M. A.
Tierney, rt. hon. G.
Tichfield, marq of
Tynte, C.
Webbe, Ed.
Western, C. C.
Wharton, John
Whitbread, W. H.
Whitbread, Sam. C.
Williams, Wm.
Wilson, sir Robt.
Wood, alderman
Wyvill, M.

TELLERS.

Burdett, sir F.
Duncannon, visc.

PAIRED OFF

Barham, J.
Cavendish, C.
Hamilton, lord A.
Hurst, Robt.
Mahon, hon. St.
Maberly, W. L.
Ossulston, lord
Plumer, W.
Russell, lord John
Warre, J. A.

HOUSE OF COMMONS.

Friday, May 18.

ORDNANCE ESTIMATES.] The order of the day was read for going into a Committee of Supply to consider further of the Ordnance Estimates. On the question, "that Mr. Speaker do now leave the Chair,"

Mr. Chetwynd said, that at a period

like the present, when so much distress prevailed, when so many manufacturing towns were on the verge of insolvency, and when so many taxes were so patiently borne, the people of England were looking with anxious eyes to those who represented them in the great council of the nation. They had crowded the table with petitions, with the strongest prayers in the most courteous language. In the discussion of the Army and Navy estimates, great efforts had been made to effect reductions, but they had failed. Those exertions had, however, had the effect of clearly exposing to view a system of extravagance of which he, for one, had no idea, and which had induced many well-thinking persons to say, that if the House did not reform itself within, a revolution must take place without. He believed that the first would be the case, for he would prophecy that no war-minister would next year bring down such estimates as those of the present year: if he did, he would be addressed in the language which his majesty recently used when he saw the head of Charles the First in the vault at Windsor,—"Take it away! it is too horrid to contemplate." He hoped nothing would induce the gentlemen opposite him to relax in their exertions for economy. He, for one, would remain by them till Christmas to oppose a single shilling being voted beyond what was absolutely necessary. The distress of the country was such, that if relief was not given, the yeomanry must be annihilated, and it could not but excite the utmost disgust that, under such circumstances, extravagant establishments should be persisted in. He would move, as an amendment, "That it be an Instruction to the said Committee, that, duly taking into consideration the present distressed state of the Country, they will proceed to enforce a system of the most rigid Economy, as far as the same can be effected without detriment to the substantial interests of the State."

The *Chancellor* of the *Exchequer* said, he did not deny the general proposition; but he would deny that there existed any necessity for the instruction proposed.

Mr. *Maberly* said, that the wanton extravagance of ministers was not to be endured. Seventeen millions were spent annually upon our military establishments in time of peace. What must it be if a war were to break out? He was satisfied that a saving of four millions might be effected in the whole expenditure. Economy ought to begin at the head of the state, and proceed downwards; and he was convinced that the king himself would set the example. He applauded the manly straightforward course pursued by Mr. Pitt in 1792, compared with the low shuffling of the present ministers. He admitted, however, that in forming a scheme of expenditure, on the estimates of 1792, it would be fit to make allowance for the increased price of things, for the half pay, and the increased pay of the navy.

The Marquis of *Londonderry* objected to these preliminary discussions, because they enabled gentlemen to make bold and exaggerated assertions, the fallacy of which could not be detected until the details were entered into in the committee. The hon. member had stated the expenditure at 17 millions, forgetting that 5 millions was a dead expense for pensions, half-pay, and other allowances: so that 12 millions only remained for the government of this immense empire; and from this the hon. gentleman maintained that 4 millions might be saved. The hon. gentleman would not have risked such a statement in the committee. There was no practicable economy that ministers were not desirous of making.

Mr. *Calcraft* was happy that this resolution had been brought forward. When, night after night, such vain attempts at reduction were made by a few, against overbearing ministerial majorities, such motions could not be too frequently made. The greater the dead expense which must be borne, the more necessary it was to economise in those charges that could be diminished. He saw plainly that the principles of a military government were in a gradual course of introduction; and he was much more suspicious of so large a standing army under the control of the present ministers, than of other persons. He was quite sure that large savings might be made in the Ordnance department, as he would show when the House came to the items.

Mr. *Huskisson* contended, that as the civil list was granted for the reign, no reduction could be made in it, though he admitted that both it and the collection of the revenue might be proper subjects of debate. The instruction to the committee, if carried, could have no effect, as the utmost economy had been observed in the formation of the estimates. It was very convenient for the other side to keep

it out of view; but the House would not forget that the estimates for this year were a million and a half below those of the preceding.

Lord *Milton* said, that when the gentlemen opposite declared the impossibility of reducing the estimates, he could not forget a similar declaration made in the same quarter a fortnight before the House of Commons deprived the ministers of the property tax. On that occasion, the secretary at war declared he could not reduce the army estimates; yet a fortnight after the repeal of the property tax, his noble friend came down with reduced estimates, although a week or two before, all economy was declared impossible. Let them now look to the pension list, and say if it was not possible to reduce that branch of the public expenditure. Let them look to that part of it filled by the names of members of that House. He did not allude to the noble marquis opposite, nor to the chancellor of the exchequer, nor to the president of the board of trade—all these he should always wish to see members of that House; but let them look to the right and the left, and say if there were not some members in their view who ought not to hold their pensions and their seats. Against the inordinate expenditure of the government he must protest; its inevitable effect, if continued, must be to break down altogether the middle classes of society. There would then only remain the very rich, and very poor, and the valuable link hitherto connecting both, would no longer remain. He could not help thinking that government incurred a great deal of this unnecessary expenditure, in consequence of their not being sufficiently acquainted with the real state of the country.

Mr. *Hume* contended for the right of parliament to review the amount of the civil list, and hoped that before the year was expired, the amount of that establishment would be reduced. If ever a House of Commons had been indifferent to the people's purse, it was when they established the civil list at 870,000*l.* a year—a sum now, from the change in the value of money, equal to 1,400,000*l.* It was said, that the estimates for this year were a million and a half less than those of the last. In answer to this, he would assert, that the Ordnance estimates for the present year exceeded by 100,000*l.* those of the last.

The question being put, "That the words proposed to be left out stand part of the question," the House divided: Ayes, 65; Noes, 40: Majority against the Amendment, 25. The House having resolved itself into a Committee of Supply, Mr. Ward moved, "That 14,681*l.* 5*s.* be granted for the pay of Civil Officers and Clerks belonging to the Office of Ordnance on Foreign Stations for 1821."

Mr. *Hume* entered into a review of the several items which composed the vote. He said that all the Ordnance establishments abroad ought to be considerably reduced. The Gibraltar establishment ought to be diminished: so ought the Malta, which had been considerably augmented since 1808. In Barbadoes the Ordnance expense was increased from 487*l.* to 880*l.*; the Ceylon from 1,150*l.* in 1808, to 3,270*l.* In the Ionian islands, where 500*l.* ought to be sufficient, the Ordnance expense was 1,258*l.* At the Cape of Good Hope the number of clerks had also been increased. There was another item worth observation; it was that of 238*l.* for the storekeeper in Heligoland; the person filling the office was in England for six months of the last year, and his only duty was to take charge of the powder for firing the morning and evening gun. Formerly a serjeant's party of 50 men had charge of Heligoland; now there was a garrison of 100 men. Thus an expense of 10,000*l.* was incurred for an island, the fee-simple of which was not worth half the money. He thought that the salaries in this department of the ordnance expenditure ought to be reduced one-fourth. He should therefore move as an amendment, that the proposed sum of 14,681*l.* 5*s.* be reduced to 10,973*l.* 9*s.*

Mr. *Ward* assured the hon. member, that when the salaries of the clerks alluded to had been augmented, they had been deprived of certain perquisites which they previously enjoyed. The Ceylon establishment had been increased, because the Ordnance had not only Columbo to serve but Tricomalee and Pont de Galli. In Malta, during the war, the local government paid a portion of the expense, which now altogether devolved upon the Ordnance department. It was a curious fact, that the fortifications at Malta, on which 600 guns were mounted, would, if extended into one straight line, occupy 50 miles of ground. With respect to the garrison at Heligoland, the argument of the hon. gentleman was most fallacious. He might as well say, that because, when Gibraltar was taken it was supplied with a garrison

of 500 men, that therefore it should only have the same complement now.

Mr. *Bennet* said, that the right hon. member had introduced a most dangerous doctrine with respect to compensations. He had stated that a certain number of persons had been accustomed, for a considerable period, to receive perquisites and allowances of a particular description, in lieu of which compensation was now made to their descendants; so that because A, B, C, and D, were lineally descended from certain public officers, they were to be remunerated, in consequence of an abuse having been removed, by which their ancestors had profited; because a robbery was found out, and it was deemed necessary to prevent its recurrence, therefore those individuals were to receive compensations. No gentleman could think of supporting such a proposition unless he was affected by that sort of mania which pervaded the Ordnance department, where they were so powerfully inoculated with the disease of extravagance, that they could not get rid of it. Unless gentlemen were possessed by such a devil as this, it was impossible that they could state, much less agree to, a proposition of this nature. It reminded him of an attempt made by an individual some time ago to procure compensation; and it appeared to him that the person in question could have borrowed the idea only from the Ordnance department. The magistrates of Middlesex, finding that a number of the most depraved characters were in the habit of visiting Coldbath-fields prison, set an inquiry on foot to discover the reason of it. At last it came out, that a clerk at one of the police-offices was in the habit of handing up to the magistrates a list of persons who wished to visit their friends in gaol, and that from each of the applicants, he received a fee. When this was discovered, what did the clerk do? Why, he called out for compensation. He quoted high authorities in his favour, and observed that they had their compensations, and he must have his. What did the magistrates say? They told him that he should have no compensation, because they did not understand the system of rewarding individuals for their misconduct. He entreated the House to consider how they must be regarded by the country, if, after so many forcible appeals to their justice, they should still continue to disregard every consideration of economy. They had been called upon to reduce the expense at Malta, the revenue of which would have been quite sufficient to defray its own expense, if some members of the needy nobility had not been quartered upon it; but such was the case with many other colonies, and with the Cape of Good Hope in particular. The call was, therefore, in vain, because it was addressed to ministers, who maintained their power through the aid of needy nobles and other political adventurers, all of whom sought their own interest at the expense of a suffering and impoverished country.

Mr. *Ward* could not but regret that gentlemen should avail themselves of their privilege to slander individuals who had no means of answering the charges brought against them.

Mr. *Hume* denied that he had made any sweeping charges. In challenging particular facts, he had been anxious to confine himself to those facts, and not to indulge in generalities.

Mr. *W. Smith* said, that when the Cape of Good Hope was in the possession of the Dutch, it did not cost the government a single stiver. Why, then, should it be expensive to this country? Some inquiry ought to take place on this subject.

Mr. *Ward* said, it was a fallacy to argue that the Dutch kept the Cape against a superior maritime power, seeing that we had taken it from them.

Mr. *Warre* said, that every exertion ought to be made to compel the colonies to defray their own expenditure. The salary of the governor of the Cape was 10,000*l.* a year, while that of the secretary of state in this country was only 6,000*l.*

Mr. *Goulburn* denied that the revenues of the Cape had ever defrayed the expenses of its civil and military establishments, when that colony was in the possession of the Dutch. The civil establishment of the Cape was paid out of the revenues of the colony, and the surplus went towards defraying the expenses of the military establishment. The hon. gentleman complained of the amount of the salary of the governor of the Cape, as compared with that of a high officer in this country, without taking into consideration the enormous expenses to which governors of colonies were of necessity subjected.

The committee divided: For the Amendment, 55; Against it, 86. On the next resolution, "That 56,000*l.* be granted for

defraying the incidental Charges, ordinary Repairs, and Barrack Expenses at the Tower, and the several Forts, Garrisons, and places under the Ordnance, in Great Britain, Guernsey, and Jersey, for 1821," Mr. Gipps objected to the estimate, as being too large, and moved that the sum of 56,000*l.* should be reduced to 33,000*l.* After a short conversation, the committee divided: For the Amendment, 64; Against it, 99. The resolution was agreed to; after which, the chairman reported progress, and asked leave to sit again.

HOUSE OF LORDS.
Monday, May 21.

GRAMPOUND DISFRANCHISEMENT BILL.] The House having resolved into a committee on this bill,

The Earl of *Liverpool* said, the first enactment declared that the borough of Grampound should cease to return members to parliament. With this enactment he entirely agreed. It was a distinct proposition from the remainder of the clause which proposed to provide for supplying the deficiency created. As this latter part might form a subject of discussion, he would propose that all that part of the clause which follows the word "parliament," should be left out.

The *Lord Chancellor* said, that although he objected totally to the principle of the bill, yet as parliament had frequently passed bills for disfranchising voters, he thought he should be doing more than he ought to do, if he proposed any thing more than to make this measure consistent with the precedents established by former bills. Those who had not been proved guilty should not be punished. He therefore proposed, that there should be inserted in the clause these words:—"That henceforth the burgesses of the borough of Grampound which have not been convicted, shall be the only electors for that borough."

Lord *Erskine* was decidedly in favour of the bill as it stood, and would vote against the amendment. He had heard, with a great deal of satisfaction, the noble and learned lord, because he liked to hear arguments against bills of pains and penalties from the highest law authority in the state; and he never could wish that any man should forfeit by the law what he held under the law. Here, however, a systematic corruption had been proved, and called for the visitation of a remedial law. The true question was, were their lordships satisfied that the corruption of the electors of Grampound had been systematically such, as to disqualify them from exercising the elective franchise? He was satisfied that they could not return members of parliament purely and independently. Their lordships had not before them a question of personal rights, but of national policy; and he supported the bill, because he saw in it a regulation which it would be for the benefit of the public to adopt. When their lordships saw a disposition to revile and disparage the House of Commons, which could not be done without making the constitution suffer in every part, they ought to be sensible of the necessity of adopting a measure which was calculated to remove objections to the constitution of that House, which existed in the minds, not only of the persons called radicals, but of the most respectable classes of the community.

The question, as proposed by the earl of Liverpool, being put,

The Earl of *Harrowby* thought it became the duty of parliament, when such cases of gross and notorious corruption were brought before it, to meet them. With respect to the present being a bill of pains and penalties, such a measure was clearly a remedial law, and applicable in the deficiency of the existing law. What, indeed, was the system of English law but punishing in many cases the innocent with the guilty? From the Revolution to the present hour, it unfortunately so happened, that descendants were punished for the offences of those who preceded them. Had not their lordships for centuries past been punishing the innocent Catholics for guilt that was attributed to their forefathers? The system was to be deplored; but it appeared to be inseparable from the nature of things.

The Earl of *Westmorland* thought the principle of this bill was most pernicious. There were at present laws against corruption, which punished the guilty much more effectually than any of these remedial innovations upon the constitution. It confounded the innocent with the guilty. It made the former answerable for crimes which they had never committed, while it passed over the crimes of the latter with comparative impunity.

Lord *Melville* defended the principle of the bill. He said it was no sufficient objection to the measure to say that it involved the punishment of the innocent. Such punishment was alrea-

dy known to the law. There were many cases in which the public welfare rendered this hardship necessary. In the case of the hundred being sued for damage done to individuals during riots, the innocent might be said to suffer, because the exacting of the damages from the hundred was not merely meant as an indemnification for the loss sustained, but as a punishment for not preventing the riot. Cases had occurred in Scotland, which were applicable to the present. Some years ago, a corrupt agreement was proved to have been entered into by certain members of the corporation of the borough of Kinghorn. They were sued before the court of session, and that court decided that the corporation could not be reduced. This judgment was brought by appeal before their lordships' House. What was then done? Their lordships reversed the decision of the court of session. Sometime after, three individuals belonging to the borough of Stirling were proved to have entered into a corrupt agreement, and this question came again under the consideration of the court of session. That court profiting perhaps by the decision of the House of Lords in the former case, reduced the corporation. This judgment was also appealed against; but their lordships affirmed the decision of the court of session. These cases proved that they had already acted on the principle laid down in the present bill.

Lord *Redesdale* objected to the measure, on the ground that it was completely revolutionary in its principle. It was argued, that the number of representatives in Cornwall was too large. If that argument were admitted to be valid, they must proceed to remodel the whole constitution. To agree to the measure would be to proceed to sea without compass or rudder.

The Earl of *Liverpool* remarked, that his noble friend had completely misapprehended the argument of the advocates of the bill. That argument was, that whatever might be the number of electors in a place, while they exercised their right justly, they ought not to be deprived of it; but that if corruption were proved against them, it was the duty of the legislature to apply a remedy. As to punishing the innocent with the guilty, was not that done at the Revolution, when by the change of dynasty, the descendants of James the second were punished for the crimes of James the second, because it was for the public interest? In the present case, the most systematic and long continued corruption had been established; and therefore he contended that the borough ought to be disfranchised. He objected to simply opening it to the hundred, because that would be to increase the local representation. The best way to resist speculative reform was to listen to every case in which a practical evil was alleged, and when sufficiently proved, to remedy it.

The *Lord Chancellor* could not agree to a measure which must have the effect of confounding the innocent with the guilty. He did not consider the cases referred to as having a bearing on the question. He had concurred with Mr. Fox and Mr. Ellis in opposing the bill for the disfranchising Stockbridge, and conceived that the same objections applied to the present measure. In order to disfranchise a borough, nothing more would in future be necessary, but to get a majority of the electors to take money. The place would then be deprived of the right of election, and the innocent punished for the guilty.

The Marquis of *Lansdown* argued in favour of the bill. If, when by the lapse of time, and by other circumstances, a borough was reduced to a state in which the electors were incapable of discharging their duty with fidelity, the legislature refused to exercise their power of transferring the elective franchise, they abandoned one of their most important duties. With reference to the objection, that the innocent would suffer with the guilty, that was the necessary result of many legislative measures; for instance, the act of 1805, by which the inhabitants of any district in Ireland were subjected to heavy fines in the event of the discovery of illicit distillation in that district. As to the place to which the franchise should be transferred, he ridiculed the theory that there was in the surrounding district an inherent right to it. He was certainly in favour of transferring the franchise to some populous and unrepresented place; because, however averse to any sweeping change in the representation, he was yet desirous to repair the inroads of that great innovator time, by connecting more intimately, whenever an opportunity occurred, large bodies of the people with the representatives of the people.

Earl *Bathurst* thought, if the House adopted the principle of depriving a body of electors of the right of suffrage, they

should proceed upon a principle as little arbitrary as possible. He was of opinion that it was better to extend the elective franchise to the adjoining hundreds.

The Earl of *Carnarvon* contended, that there never could be a stronger case for legislative interference than the present. As to any danger from speculative opinions on the subject, he maintained that the fear was utterly groundless.

The Earl of *Lauderdale* opposed the bill, because it yielded to the reformers all that they could wish, and legislated by carrying further than the existing law the system of disfranchisement. It was a law new in its nature, and one to which, in his conscience, he could never assent.

Marquis *Camden* was of opinion that the bill went to establish a new principle of legislation. He thought parliament should mark its sense of the gross corruption which had existed at Grampound; but he could not see why it should alter the mode of legislation which had been adopted in all similar cases.

The Committee divided: For the Earl of Liverpool's Motion, 60; Against it, 26. Majority, 34.

The Earl of *Liverpool* then urged the propriety of granting to the county of York the privilege of henceforth sending four members to parliament instead of two. He thought it was best in the first instance of departing from the principle of extending the right of suffrage to the hundreds to transfer it to the county of York. He also preferred to extend the right of voting to the county of York, in preference to Leeds, because the change would involve no principle of a new mode of election.

The Earl of *Carnarvon* would not oppose the motion, but hoped, if other bills of a similar nature should come before their lordships, they would grant the elective franchise to large towns, which would be the means of removing one great existing cause of discontent.

The Earl of *Harewood* was of opinion that the proposition would, if acted upon, create great inconvenience to the county of York. It would afford an opportunity for any individual to offer himself as a candidate, and by keeping the poll open, to put his opponents to considerable expense.

The Marquis of *Lansdown* suggested, that the evils contemplated by the noble earl might be avoided by causing two members to be returned for the north riding of the county, and two for the remaining parts.

Earl *Fitzwilliam* objected to the transfer of the elective franchise to Leeds. He however wished to be understood as not objecting to the principle of bestowing the right of suffrage on large towns. Alluding to what had fallen from the noble marquis, he feared it would be impossible, without completely altering the constitution of the country to divide it in the manner proposed.

Lord *Redesdale* thought the suggestion of the noble marquis might easily be acted upon, as the county was already divided for every purpose except that of election.

The motion was then agreed to.

HOUSE OF COMMONS.

Monday, May 21.

ORDNANCE ESTIMATES—BARBADOES FUND.] The order of the day was read for going into a Committee of Supply to consider further of the Ordnance Estimates. On the question, That Mr. Speaker do now leave the Chair,

Mr. *Creevey* said, he felt it his duty to object to the item of 5,900*l.* for the repairs of the island of Barbadoes. His reason for objecting to this provision, was because he found that a fund was already provided for the purpose to which it was proposed to apply this grant, namely the 4½ per cent duties. Although he had given particular notice of a motion on the subject of these duties, he could not avoid calling upon the House to reject the proposed grant, because he would show that there was a fund specifically provided for the object to which it was to be devoted. [At the request of the hon. member, the clerk here read an extract from the Journals of the House of the 16th of March, 1701, which stated that the House having on that day gone into a committee to consider of a provision for her Majesty's household, and the maintenance of her dignity, a petition was presented and read from a person named Burn, setting forth that the duties of 4½ per cent granted in 1663 for the purpose of keeping in repair the fortifications of the island of Barbadoes, were applied to other uses, and that in consequence, the fortifications and other public works were falling into decay, and were liable, in case of attack, to be taken by the enemy. The clerk further proceeded to read, that

on the 24th of March of the same year, colonel Granville reported to the House the amendment made by the committee, that an address should be presented to her Majesty, praying that the 4½ per cent duties might be applied to the repairing of the fortifications of the island of Barbadoes, and that an annual account thereof might be laid before the House. Upon the 30th of March, 1702, secretary Vernon reported, that an address to the above effect having been presented to her Majesty, she had consented to the appropriation of the duties in the manner advised by the committee.] Those proceedings having been read, the House must be convinced that there was already a fund in existence for repairing the fortifications of the island of Barbadoes; and if he asked why this fund was not devoted to that object, the only answer he should receive was, that it was usual for ladies and gentlemen in this country, and particularly members of that House and their female relations, to divide it amongst themselves. It was under these circumstances that ministers came down to the House, and called upon it to vote the proposed sum. He, for his part, could not agree to it. The House, he conceived, could have no doubt respecting the law on this point; but he knew, from experience, that when he should submit his proposition for opposing the grant, honourable members would vote against it, and in favour of themselves. He wished, however, to call the attention of the public to the nature of some of the late votes of that House. He could take upon himself to say, that the last votes on the Ordnance estimates were carried only by official men. This was the reason why the complaining public could get no redress from that House. But it might be said there were independent members in the late majorities. These independent members were persons who themselves might possess none of the public money, but wished to obtain it for their friends and relations. If one of these independent members were to step into the Treasury in the morning to ask a favour, he would be told that the Ordnance estimates would be discussed in the evening, and that his presence would be desirable. Could it be contended, that any member thus situated was not under the effect of undue influence? But he found there were not only official men voting in such large numbers, but members who were directly and personally interested in the question. It was a most abominable thing that a member should in that House vote for himself. There had been a motion respecting the three lords of the Admiralty. They had been thought by many to be unnecessary, and a division had taken place upon the question. At all events, it had been doubtful whether gentlemen of fortune should receive 1,000*l.* a year each for holding such offices. He wanted to know whether it was right that the lords of the Admiralty should have voted that they ought to have 1,000*l.* a year. It was doubtful whether their services were worth any thing. Ought they themselves, then, to have voted that their services were worth 1,000*l.* a year? What a farce it was to make laws for electors, and to enact that certain offices should deprive persons of the right of voting, for fear of indirect influence on the independence of parliament, and yet that three lords of the Admiralty should vote themselves to be entitled to 1,000*l.* a year each! Mr. Hatsell stated, that in the year 1604, on a question respecting the duke of Somerset's estates, Mr. Seymour had been found to be interested, and had therefore withdrawn according to ancient rule and custom. Again, in 1644, sir R. Preston was stated to have had a kind of interest in the Yarmouth Harbour bill; and having admitted that he had an interest, he also had withdrawn. Mr. Hatsell said, that the rule which had been acted on in those two cases had not been strictly observed, except in elections; but that in other cases it had been neglected, contrary, not only to the rules of decency, but of justice. He was quite of opinion with Mr. Hatsell. The noble marquis (Londonderry), who was not now in the House, had on a former night complained that the business of the House was impeded, and the rules of proceeding were violated; but he (Mr. C.) would say, that they were following the strict rule and line of proceeding. No man violated the forms of the House more than the noble lord himself. The forms of parliament were the ways and means of the opposition; they were the main stays of the country; and members on his side would be much to blame if they did not avail themselves of them. His object was, while the extraordinary industry and ability of the hon. member for Aberdeen, which were above all praise of his, and which exceeded any thing of the kind that had ever been known in parliament—while his hon. friend was

single-handed waging war against the confederated departments of office, his object was, to show the machinery which was opposed to his hon. friend. He hoped this would be made obvious, and that the unanimous voice of the country would be raised against it. Not till then would justice be done to the indefatigable industry of his hon. friend; nor would the country till then reap the benefit of his industry. These were the reasons for which he moved an amendment; and if any member should oppose it, he should be at a loss to know the construction of his understanding. He begged leave to move,

"That it appears to this House, that in the Ordnance Estimates for the present year, there is a charge of 5,900*l.* for repairs and other services connected with the Ordnance for the island of Barbadoes; and as it appears likewise to this House by reference to its Journals, that there is a certain duty granted by an act of the said island of Barbadoes 'for the repairs and building of fortifications, and defraying all other public charges incident to the government there,' this House is of opinion it cannot, consistently with its duty, vote 5,900*l.* out of the public money to defray the said charge for the island of Barbadoes, until it is satisfied that the tax or duty, specifically imposed on the said island for such purposes, has been faithfully applied, and is found to be inadequate in amount."

Sir *C. Long* contended, that the grant, in the first instance, was made unconditionally. The grants respecting all the islands were made to the king and his heirs for ever, on condition that the Crown would afford security to the settlers. He was willing to admit that it was one condition of the grant that the fortifications should be repaired, but the fund was for an entire century applied, with the knowledge of parliament, precisely as it was now intended to be applied. Having for so long a period been so applied without any doubt having been expressed as to the propriety of its application, he thought it was too hard to raise a question upon it now. The application of the fund was known to the committees of that House. During the time of queen Anne, the fund was applied to the repairs of fortifications: the fortresses having been neglected, and much dilapidated, the inhabitants applied to the Crown on the subject, and in consequence of their request, the fortifications were repaired. For the last one hundred years, every lawyer in this country, who held the rank of attorney or solicitor-general had given it as his opinion, that the funds might be legally applied at the pleasure of the king.

Sir *F. Burdett* said, that the right hon. gentleman appeared to him to have made out no case whatever. The question before the House lay in a very narrow compass. The right hon. gentleman denied that the application of the fund was confined to the repairing of fortresses. Whether the fact was so or not, was a matter of minor importance: the question was, whether it was better to apply the funds to the repairing of fortresses, or to the corruption of members of that House? The right hon. gentleman said, that it had been so for a century back. That only showed the necessity of something being done to check the influence introduced into that House, or to render that House at least less liable to such influence. What practice of a more flagrant kind could be mentioned than the practice of members of that House transferring public money into their own pockets? The long practice of members putting public money into their own pockets was no argument why it should longer be endured. Let the fund have been granted for whatever purposes the right hon. gentleman might allege; let it be at the disposal of the Crown or not; still, like every other grant, it must have been intended for the benefit, not for the detriment of the public. It became parliament, therefore, to see how it was applied. It was admitted to be subject to the control of parliament. Though parliament had not interfered, yet the accounts having been laid before parliament, the principle was admitted that they had a right to interfere, and it was a duty they owed the public to take care that this money should no longer be misapplied.

Mr. *Goulburn* said, that the motion would apply to the other islands as well as to Barbadoes. With respect to the charge of corruption, the character of his right hon. friend was a sufficient answer to any imputation of that kind.

Mr. *Monck* contended, that the fund should be applied to colonial purposes, and should not be made the source of corrupt influence. With respect to the right of parliament to interfere, it could not be doubted. If parliament had no

right to interfere in the present case, they could have had no right to interfere with respect to the droits of the admiralty; yet during the last session a very salutary act was passed with respect to those Droits. It was said that the situation of Barbadoes was altered, and that the expense of its establishments was increased. That was a good reason for the motion of his hon. friend; for if the expense of the island was great, the funds ought to be applied to meet that expense, instead of being turned to improper purposes. How was faith to be kept with the public creditor, unless the strictest economy was practised, and every possible fund was made available to the public service?

The House divided: For Mr. Creevey's Amendment, 58; Against it, 86.

List of the Minority.

Barham, J. F.	James, W.
Blake, sir F.	Johnson, col.
Benyon, B.	Lemon, sir W.
Baring, H.	Lambton, J. G.
Barnard, visct.	Lennard, T. B.
Becher, W. W.	Milton, visct.
Brougham, H.	Maberly, J.
Bury, visct.	Monck, J. B.
Burdett, sir F.	Milbank, M.
Birch, J.	Newport, sir J.
Concannon, L.	Martin, J.
Calcraft, J.	Ossulston, lord
Curwen, J. C.	Price, R.
Calvert, C.	Philips, G.
Chaloner, R.	Parnell, sir H.
Chetwynd, G.	Ramsden, J. C.
Crompton, S.	Robinson, sir G.
Colburne, N. R.	Rice, T. S.
Duncannon, visct.	Ridley, sir M. W.
Denman, T.	Ricardo, D.
Denison, W. J.	Sefton, earl of
Davis, T. H.	Stanley, lord
Dickenson, W.	Tierney, rt. hon. G.
Ellice, E.	Taylor, M. A.
Folkestone, visct.	Wharton, J.
Fergusson, sir R. C.	Wood, M.
Guise, sir W.	Wilson, sir R.
Heron, sir R.	Yorke, sir J.
Hume, J.	TELLERS.
Harbord, E.	Creevey, T.
Hutchinson, C.	Bennet, hon. H. G.

The House having resolved itself into a Committee of Supply to consider further of the Ordnance Estimates, Mr. Ward moved, "That 94,356*l.* 14*s.* 9*d.* be granted on account of the Balance for the Pay of the Royal Regiment of Artillery, for Great Britain, and of Non-commissioned Officers and Gunners of the late Invalid Battalion, retained in the several Garrisons and Batteries, for the year 1821, after allowing for a Vote of Credit of 150,000*l.* granted on the 19th April, 1821, making in the whole 244,356*l.* 14*s.* 9*d.*"

Mr. *Monck* said, it would be recollected, that in the last session 100,000*l.* had been voted for defraying the expenses of the coronation. That vote had been passed under circumstances very different from those which existed at present. At that time it was not known whether her Majesty would return to this country, and consequently, the expenses of the coronation had been calculated under the idea that she would not be present. He, therefore, wished the chancellor of the exchequer to give him an answer to two questions. The first question was, whether any provision had been made for the part which her Majesty was to have in the ensuing coronation: the second was, whether any additional expense would in consequence be incurred? He had heard a rumour—but it was so scandalous that he could not attach the slightest credit to it—that while seats and accommodations were providing for the peeresses, not any were providing for her Majesty. Her Majesty was as much Queen of the country as his Majesty was King. Any vote for such a ceremonial, however large it might be, would be willingly acceded to by the country, if her Majesty were allowed to form a part in it; but if she were not, and if a grand national fete was to be converted into an engine for the humiliation and degradation of the Queen, he did not know of any measure which would be more universally unacceptable to the country.

The *Chancellor of the Exchequer* said, it was not the intention of government, in the present session to ask for any additional vote for the expenses of the coronation.

Mr. *Hume* said, the right hon. gentleman had given but half an answer to the question put to him. He had said, that no vote would be required, on account of the coronation, in this session—would there in any subsequent session.

The *Chancellor of the Exchequer* said, the 100,000*l.* voted would cover the expenses already foreseen; but, when the accounts were made up, a further sum might be necessary for expenses which had not been calculated on.

Mr. *Bennet* said, there could not be a vote of a single shilling proposed to the House on which it was not competent for every member to ask such questions as he thought for the benefit of the public

service. It was the custom of their ancestors to tack together questions of grievance and of supply. It would be both wise and salutary to restore the practice, and not to allow a shilling to be voted, without placing in array the grievances of the country. Though it might be said, as James the first did say, that the House by such a proceeding, was sending an *oyez* through the country for grievances, still he thought that it would be as beneficial to the preservation, as it had been to the establishment of the liberties of the country.

The Marquis of *Londonderry* said, that though he fully admitted that all grievances could be entered upon when the House was in a committee of supply, he still thought it would exceed all the ingenuity of the gentlemen opposite to apply that principle to the present case; unless, indeed, they were prepared to contend, that it would be a public grievance if her Majesty was not crowned at the ensuing coronation. It appeared clear to him that it required an act of the Crown to authorize the coronation of her Majesty; for though her Majesty was, in the eye of the law, the consort of the King, yet there was no prerogative of the Crown more sound, or more indisputable, than that it rested with his Majesty to decide whether his consort should participate in the honours of the coronation or not. He might, however, as well now say, that neither he, nor any of the other servants of his Majesty were prepared to recommend an act of the Crown to include her Majesty in the ensuing ceremonial. If the gentlemen opposite wished to revive the dying, or, as he should rather have said, the dead embers of that painful controversy, which had recently agitated the country, he was content to leave the responsibility to their discretion, or, more properly speaking, to their indiscretion.

Mr. *Brougham* said, that though any matter of grievance might with perfect order be discussed in a committee of supply, he should abstain from entering into the question which had been raised. He only begged to protest against being supposed to assent to the principle that the Queen had not a right to be crowned. That question not being regularly before him, he did not wish to give an opinion one way or the other.

The resolution having been again read,

Mr. *Hume* rose, not for the purpose of proposing a reduction of the men in the corps, but of the expenses connected with the staff of it. The present estimates were for 9 battalions of 8 companies of 60 men each, making a total of 4,320 men. Now he should propose that, instead of these, there should be six battalions, with 10 companies, each having 72 men. This alteration would save the expense of a colonel-commandant receiving 1,000*l.* a year, and of several other officers with large remunerations. The reduction of three batalions, creating in itself a great saving, would diminish the amount of contingencies: so that altogether a saving of 25,000*l.* might be effected in this vote. He concluded by moving an amendment to that effect.

Mr. *Ward* said it had been a mooted question whether in the artillery it was better to retain the officers and dismiss the men, or dismiss the officers and retain the men. The present master general of the Ordnance was of opinion, that the former was the better plan, owing to the expense of an artillery officer's education, and the science and experience which it was essential he should possess. The Finance Committee of 1817 were also of a similar opinion.

Mr. *Hume* said, he was aware that artillery officers should have all the practice possible, but in fact they had now no practice, and from the length of service of most of the officers, if they were put on half pay, there was no doubt that when called into activity at any future time, they would be perfectly efficient; so that the present vote was not one of efficiency, but simply of expense.

Sir *H. Hardinge* maintained, that if the proposed reduction were adopted, the service would be full of officers who were too old for employment. This had been the case in the peninsular war, where, until the duke of Wellington had taken measures to prevent it, men who had not sufficient vigour of body had been at the head of the artillery. At last lieutenant-colonel Dixon, who was only captain of artillery was placed in command of that corps, and had under him a force of 7,000 men. Lieutenant-colonel Wood also commanded at Waterloo a force of 7,000 artillerymen, and 6,000 horses.

The committee divided: For the Amendment, 16; Against it, 43.

List of the Minority.

Bennet, H. G. | Chaloner, R.

Chetwynd, G.	Newport, sir J.
Creevey, T.	Parnell, sir H.
Denman, T.	Ricardo, D.
Guise, sir W.	Smith, hon. R.
Harbord, hon. E.	Western, C.
James, W.	TELLER.
Martin, J.	Hume, J.
Monck, J. B.	

On the resolution. "That 8,377*l.* 4*s.* 9*d.* be granted for the Pay of the Medical Establishment of the Military Department of the Ordnance,"

Mr. *Hume* complained of the expense in the medical department, which was at present nine times greater than it was. There were only five surgeons in 1792, and there were now forty-one, although the increase of men in the artillery had been only 1,200. Thinking that the director-general and his assistant, with the surgeon-general and his assistants, might well be reduced, he felt it his duty to move that 3,778*l.* should be deducted from the sum proposed.

Mr. *Ward* observed, that there was no medical establishment attached to the artillery in 1792, each corps being attended by some medical practitioner, in whatever station it was quartered; but this system was found by the Ordnance-board to be so inefficient and expensive, that it was deemed expedient to adopt the present plan.

The committee divided: For the Amendment 18. Against it, 47.

List of the Minority.

Bennet, H. G.	Martin, J.
Bright, H.	Monck, J. B.
Chaloner, R.	Parnell, sir H.
Chetwynd, G.	Portman, E. B.
Harbord, hon. E.	Ricardo, D.
Heron, sir R.	Smith, hon. R.
Hobhouse, J. C.	Yorke, sir J.
Hume, J.	TELLER.
Hutchinson, C.	Bernal, R.
James, W.	

On the resolution, "That 6,610*l.* 9*s.* 1*d.* be granted for the Pay of Civil Officers, Professors, and Masters, of the Royal Military Academy at Woolwich,"

Mr. *Hume* said that the whole sum voted for that establishment this year had been 15,047*l.*, and in the last three years and a half (the time allowed for completing the education of a cadet) it amounted to 52,655*l.* Now the public had actually benefitted by the services of only 30 pupils; so that each cadet promoted cost for his education 1,756*l.* He begged to know why the public was to continue to pay for the education of 150 young men, when only 9 annually could be introduced into the service?

Sir *U. Burgh* maintained that the greatest economy had been observed at Woolwich, by a reduction of both masters and pupils. The estimate for this, was 1,700*l.* less than last year.

Mr. *Hume* contended, that the establishment ought to be reduced to 40 or 50 pupils, and moved as an amendment a reduction of half the vote, or 3,305*l.*

Mr. *Ward* explained the manner in which promotion took place in the artillery, stating that the number of cadets would be so gradually reduced, by first appointing them second lieutenants on half pay, that they were likely to be soon reduced to 100, and until then, no new cadets were to be admitted.

Sir *U. Burgh* asserted that the education of each cadet cost no more than 400*l.* a year, and calculated that, by next year, the cadets would be reduced to 100.

Mr. *Bennet* observed, that if the papers on the table were to be relied upon, it was as plain as a pike-staff that the education of each cadet cost 1,775*l.*

The committee divided: For the Amendment, 20; Against it, 63.

List of the Minority.

Anson, hon. G.	Martin, J.
Bernal, R.	Monck, J. B.
Bright, H.	Parnell, sir H.
Chetwynd, G.	Portman, E. B.
Calcraft, J.	Ricardo, D.
Harbord, hon. E.	Smith, hon. R.
Hobbouse, J. C.	Smith, R.
Hume, J.	Williams, W.
Heron, sir R.	TELLER.
Hutchinson, C.	Bennet. hon. H. G.
James, W.	

On the resolution, "That 39,124*l.* 7*s.* 1*d.* be granted to his Majesty, on account of the Balance of the Extraordinaries of the Office of Ordnance, for Great Britain, for the year 1821, after allowing for 232,000*l.* to be raised by the sales of Old Stores, Lands, Buildings, &c."

Mr. *Hume* said, he had so many objections to offer to the numerous items of which the extraordinaries were composed, that he scarcely knew where to begin. Although the vote now proposed was only for the small sum of 39,124*l.* 7*s.* 1*d.* the committee were in fact to sanction the total charge of 271,124*l.*, the amount of Ordnance extraordinaries. The system followed in this department of allowing the value of old stores to be deducted

from the estimate was bad, as it prevented the gross amount from appearing before the committee as it ought to do. Whatever the produce of old stores might be, it ought to be credited in another account, and the vote taken for the total expenditure; and he hoped that course would be adopted in future.—The committee had reason to complain that the hon. member had not acted agreeably to the rule which he said had been adopted in his department of particularizing what the repairs were. At Newfoundland, for instance, 1,400*l.* were charged for repairs; at Barbadoes 2,900*l.*; at Gibraltar, 5,800*l.*; at Malta, 2,400*l.*; in Scotland, 2,900*l.*; in the Eastern districts, 2,200*l.*; at Gravesend, 1,100*l.*; at Woolwich, 12,000*l.* &c. Parliament ought to be informed whether these sums were expended for materials, for new works, or for additions to the old, or for what specific purpose. It must be evident, that without such specification there could be no check or control by this committee. The mode adopted by the government was one which tended to conceal, rather than explain the nature of the different charges. There were large sums charged for every one of the colonies under the heads of "repairs," and for "current services;" but, in time of profound peace, who in this House could state what these services and repairs were? The whole, therefore, he contended, was delusive. At present four estimates were submitted for the expenses of each colony. He thought it would be much better for the information of the committee to have the total charge of each colony submitted in one view, under different heads. There was a military, a naval, and an ordnance estimate; and, by and by, the Chancellor of the Exchequer would require a vote for civil contingencies and other expenses. By this means, the enormous and ruinous charge of the colonies by being divided in estimate was kept from the knowledge of the country. He hoped that next year a more simple and intelligible mode would be adopted.

Where almost all the items were objectionable, he scarcely knew which to select. But he would ask, why should 7,500*l.* be charged for repairs and current service, at Gibraltar, when a large revenue was collected there expressely for that purpose, without the sanction of parliament, and never brought under its control? The revenue of Gibraltar in the last year (1819) for which we have a return was 117,483 dollars, or 26,433*l.* for the express purpose of repairing and defraying the expenses of that garrison. Why should parliament now vote 7,500*l.* for repairs, and 1,570*l.* for civil establishment, without having the account of the expenditure of so large a local revenue? In 1792, the revenue was 5,255*l.* and paid all the expenses, amounting then to 4,588*l.* What circumstances could now in time of peace, require five times that amount? The charge for Malta was 5,900*l.* for repairs, exclusive of 1,150*l.* for pay of civil officers in the Ordnance department alone, when the revenue of that island exceeded 100,000*l.*, and we had no knowledge of, or control over it. In the Ionian islands, 3,000*l.* were charged for current service, exclusive of 930*l.* for the pay of the civil establishment. By treaty, the revenues of the islands were to pay all the military charges. Why, whilst these were squandered away improperly, should the people of England, therefore, be obliged to pay for these establishments? The same observations would apply to the expenditure of the Cape of Good Hope, Ceylon, the Mauritius, Trinidad, &c. He thought it a most unaccountable neglect in parliament to allow the large revenues of these colonies, which, if properly applied, would be nearly sufficient to maintain them, to be wasted at the discretion of the ministers and their governors, without the cognizance of parliament; and that the taxes of this country should be taken to pay for such charges as those now made. Surely when economy was so desirable, these expenses should be more closely looked after.

He could not avoid observing 500*l.* charged for repairs at Heligoland, that precious spot, which cost us so much, and could not be of the smallest use. What could the Ordnance have to do there, when almost all the duty the storekeeper had to perform, was to deliver powder for a morning and evening gun? Can any man believe that there is the least disposition to economy when such extravagance is permitted? and the small spot of Heligoland was only an example of the rest of the colonies. When the place belonged to the Danes, he understood that in peace a subaltern's party formed the garrison, and the whole expense was a few hundred pounds. Under us there is a lieutenant-governor and staff establishment, at an expense of 1,760*l.*,

a garrison of near 100 men, and the total charge, the particulars of which he held in his hand, exceeded 11,000*l.* sterling. Surely such profusion was not to be tolerated any longer.

He saw 2,000*l.* charged for repairs at the Cinque Ports, an expenditure he could not in any way account for, unless it was of the same kind with that under the head of Gravesend and Tilbury. By the 14th Report of the Military Commissioners it appears, that staff pay of officers was charged under the head "Estimate for the Forage and Supply of draft Horses and Contingencies for the Artillery;" and in the same manner, there was a charge of 1,100*l.* for repairs at Gravesend and Tilbury, which the committee might fairly suppose were for *buildings or repairs;* but great part, if not the whole, was expended for the pay of an establishment under an engineer, and not for repairs. At Gravesend there was major Groves as storekeeper, a clerk of the cheque, and a clerk at a charge of 872*l.* civil allowances and private servants; besides, lieutenant-colonel sir George Hoste was commanding engineer with 119*l.* of staff pay; a clerk of works at 182*l.* 10*s.*; a foreman of carpenters, of labourers, and superintendent at about 91*l.* each per annum; 4 boatmen at 52*l.* each, and 2 or 3 old pensioners, although there had not been a gun at Gravesend since lord Sidmouth's circular after the Manchester transaction. All these officers had houses furnished at a great expense, or house-rent allowed them at or near Gravesend, although there were good quarters empty in Tilbury Fort, where the duty, if any, was to be performed. In this manner engineers, on full and extra staff pay, were kept up at every place abroad and at home, where there was the smallest plea for them; and under them useless establishments were thus kept up and paid for, under the head of repairs &c. There was also a master gunner kept there, although there was not one gun. These establishments, he understood, had little else to do but to attend the private service of their officers.

If any department ever called for exposition and correction, it was the Ordnance, in which charges of this kind were made under the head of repairs; and where engineers were employed in peace on the staff, contrary to the opinion of the military commissioners and other authorities. There was a large expense incurred for the ferry at Gravesend, but no such item appeared in the estimates. It was, he supposed, also entered in some place under "repairs." Perhaps the hon. member could inform the House whether an offer had not been made to keep up the ferry by contract, at about one-fourth of the expense now incurred, and also, why that offer was refused, and an expensive and almost useless establishment kept up. There was a contract for the conveyance of troops to and from Gravesend to London, and for their embarking and disembarking there. And why should not the ferry be also supported by contract? Only, he believed, because it would lessen patronage, and be done at less expense by contract! He understood that of the whole expenditure at that place, only one-fourth was necessary, and that the reduction might be easily made.

There was another improper proceeding in concealing the expenditure of the Ordnance craft. In neither of the estimates, ordinary or extraordinary, did any charge appear under that head; and yet the expenditure in last year exceeded 19,000*l.* He had moved for a return of these Ordnance vessels, which was now in his hand, and showed 32 regular floating magazines and Ordnance vessels belonging to the department, and kept up at an expense of 11,276*l.* paid by the Ordnance, and 4,599*l.* by the Navy; and there were also nine other hired vessels employed by the Ordnance, at an expense of upwards of 3,200*l.* a year, but not stated in the return. The Committee of Finance, in their ninth Report (p. 94) had condemned the system of keeping them up, and recommended them to be hired, as other transports were, by contract. The following is an extract: "The committee see no reason whatever against the Ordnance or Transport board resorting to the methods of tender and contract for the building and hiring of vessels, however constructed; and they believe themselves borne out by experience in declaring that such methods will be found much less expensive than building, and afterwards supporting these vessels under the immediate superintendance of a public body." The reason why that recommendation has not been attended to, could best be stated by the hon. member. But he believed there were two sufficient reasons for the Ordnance board not attending to the suggestions of the finance committee.—The change would save money to the

public; and their patronage would be reduced. In these craft alone, there were 74 freemen of Queenborough (as he had before fully stated to the House) who actually received 6,640*l.* a year pay and allowances, and many of them houses also. Amongst the Ordnance craft there were 14 floating magazines, in which, exclusive of the Ordnance establishment, there were 87 officers and boys belonging to the navy at an expense of 4,599*l.* for the present year. He had no hesitation in stating, that in time of profound peace, floating magazines were useless, unless in one or two situations; and it appeared by evidence before the Finance Committee, in their 3rd Report (Appendix, p. 96) "that so little calculated were floating magazines to preserve the powder in a serviceable state, that the comptroller of the laboratory never allowed issues to be made from them until the article had been dusted and restoved." After such testimony, what excuse could be offered for keeping up so large an establishment of these vessels, and still more for concealing it under some item of repairs or contingencies?

He feared he should fatigue the committee with his statements, but he must call their attention to the powder-works at Faversham and Waltham Abbey. In the extraordinaries, the sum of 3,300*l.* is charged for repairs and labour at Faversham, and 1,207*l.* for the pay of the civil establishment in the ordinary estimates; but, like most of the other returns it was not correct. The superintendent of gunpowder, captain Mayling, who has a salary of 200*l.* a year, with house and one private servant, and other items, are not entered. He held a return in his hand of the correct establishment now mentioned at Faversham, amounting to 1,604*l.* being the same number of persons, with the exception of one third clerk, as were kept up in 1814. He had in his hand also a statement of the expense of an establishment kept up under an engineer, at an expense of 846*l.* a year, in which there were only two artisans; all the others were officers, consequently with nothing to superintend or to do,—all this put down under the head of "repairs." How long were such proceedings to be permitted? At that time there were 14 or 15,000 barrels of gun-powder manufactured yearly, but since 1817 there had not been one made. The water-mills were let to Mr. Hall of Dartford in 1817, for 360*l.* a year, and the horse-mills were pulled down and sold; and yet the establishment was kept up on the enormous scale of the war. At present there was nothing to do, but the refining of some sulphur and salt-petre, much of which had been sold, but which could be done equally well at Waltham Abbey. It was worth notice, that captain Chapman, when secretary to the master-general, held the office of inspector of the manufactories of powder, although he was resident in London and seldom visited them. In 1817, Mr. John Ashwood, master worker of gun-powder at Faversham, and one of the best judges in the kingdom, was pensioned off at 153*l.* a year, although in perfect health, and both able and willing to do any duty, as he (Mr. H.) was informed, to make room for captain Mayling, a relation of the master-general, and a captain on the full pay of the horse-artillery, who was appointed in December 1818 to Faversham, and still remained there, at a salary of 200*l.* a year, with an elegant house and a servant &c. allowed at the public expense.—Such a practice of employing servants paid by the public, being contrary to the recommendation of the commissioners of military inquiry, and contrary to the good interests of the public. The whole of the houses of the storekeeper, inspector, &c. were more like palaces; and all at Feversham were living *en prince*, whilst the country at large was groanig under the load of taxes to support them. This establishment ought to be entirely broken up, and the works, houses, and land sold, which he knew they could be immediately to great advantage. He had been more particular on the details of Faversham, which he pledged himself to be correct, and he gave it as a fair example of the establishments of the Ordnance abroad and at home.

For Waltham Abbey 8,025*l.* was charged for repairs and labour, exclusive of a civil establishment, in the ordinary estimate, at an expense of upwards of 2,000*l.* a year. In 1796, the civil establishment at these works cost 786*l.* in all. In time of war 25 or 26,000 barrels of gun-powder were manufactured; but since 1819, only 1,000 barrels had been made yearly. It would scarcely be credited, that the establishment of officers was now greater by one clerk of survey and one clerk, than it was in 1810, in the midst of war. Here also was a large establishment of clerk of works, overseer, and inspector of machinery, four foremen

&c. under major By, the engineer, on extra staff pay, who lived, as he understood, the greater part, if not the whole of his time, at Frant, near Tunbridge Wells, and went to the works every quarter to sign his quarterly papers, and to receive his travelling expenses: all this was charged under "repairs!" In short, in every department, the same system of waste existed, and called for the immediate interposition of the committee.

He would say a few words about government military manufactures. The committee must know that the commissioners of military inquiry, and every committee which had noticed the manufactures, had recommended their cessation or reduction. He trusted there was gun-powder enough in stores to last for 25 years. Indeed, some hundred thousand pounds weight had been lately sold, which was a proof there was already too much. Then, he would ask, why employ a single mill at present? Why keep up an establishment which cost 15,000*l.* a year, exclusive of the expense of stores to make 1,000 barrels annually, to be afterwards sold for a half or a quarter the cost price? He should, therefore, in addition to the entire reduction of Feversham, propose a very great reduction if not the entire abolition of Waltham Abbey. He would observe, that England was no longer in a situation to fear the want of a supply of gun-powder to any amount, as there were many large manufactories ready to supply, in a very short time, any quantity on any emergency, and of the best possible quality, much cheaper than government could make it. There was 6,000*l.* charged for artificers and labourers at the laboratories at Woolwich, Portsmouth, and Plymouth, exclusive of large civil establishments there. These two last establishments were formed in time of war, and it was impossible to imagine what there could be to do at either of these places, to require a tenth of the expense. At present there could not be either preparation, delivery, or receipt of stores, to require such an expensive establishment. The charge at Woolwich, the great laboratory, might be considerable, but certainly trifling at the other places. He had been informed that there were only ten persons employed at Plymouth, and if he allowed the same number at Portsmouth, he would ask in what way 6,000*l.* could be expended for artificers and labourers? The expense of these three places, although so widely separate, had been joined together, and he had little doubt, with the intention, at least with the effect, of preventing the knowledge of how much was expended at each place.

There was 40,000*l.* for stores, which he thought a very large sum, when the magazines were so full of every article, that they had been selling them off for the last two years. It appeared that, within the last few months, stores which had cost 100,000*l.*, had sold for less than one-tenth that sum; and as there was no appearance of active service, stores should be very sparingly purchased, as they would only spoil in store. Amongst the miscellaneous charges, there were several very extraordinary ones. In one line was 15,000*l.* for contingencies for the military corps. Who could pass such a charge without explanation? There was a charge of 2,734*l.* for the Director-general * and field train establishment. It appeared that the director-general alone received 1,003*l.*, and a Mr. Commissary Stace 30*s.* per day; and he would ask where the train was, and for what? Surely such a charge ought to be put an end to, as 1,550*l.* for the command of a department which cost in all 2,734*l.*, if we talked at all of economy.† On the whole, after a careful examination of the items forming this large sum of 271,124*l.* for Ordnance extraordinaries, he was confident that 100,000*l.* might be immediately saved out of that amount, if that attention was given to the several charges which the situation of the country required; and he thought that that reduction might be effected without injuring the

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*	£.	s.
General Sir Anthony Farrington is director-general of the field train, for which he receives per ann.	1,003	0
He is colonel-commandant of a battalion of artillery	1,003	0
He has a pension also as senior officer of the artillery	456	5
Total annual allowance,	2,462	5

† It should be known that the daily allowance to Mr. Thomas Gibson, chief commissary, the predecessor of Mr. Stace, was only 10*s.* a day; but the pay was increased to 30*s.* a day when Mr. Stace was appointed, and that extravagant pay has been continued ever since. Mr. Stace has also a pension of 365*l.* a year from the Ordnance at the king's pleasure.

efficiency of any one department, if the board would allow their love of patronage not to influence them. It was impossible for any man who would give himself time to inquire into the items, and in particular, respecting those he had pointed out to the committee, not to come to the conclusions he had done. At the same time, he was ready to confess, that although he had obtained many official returns explanatory of the Ordnance accounts, the committee were comparatively ignorant of almost every item in the extraordinaries. He could rely on the general accuracy of his statements, on authority upon which he placed perfect confidence; and under these impressions, he was disposed to oppose the vote altogether, until the estimates should be submitted in a more intelligible shape and reduced amount.

Mr. *Ward* stated, that the sums for repairs were not for new works, but for works some time begun. He thought that the present arrangement of the estimates, where the items were under separate heads, was better than the plan proposed by the hon. member. He was not surprised that the hon. member wished the removal of the powder establishment at Feversham, &c. as that idea had entered his own imagination three years ago; but, on going down to Feversham, he found that the expense of removal would be greater than that for keeping them in their present state for several years. He defended the field-train on the ground of its being under the command of an old officer of eighty, who had performed meritorious services.

Sir *W. Congreve* would state to the House what had been the origin of the establishments at Feversham and Waltham-abbey. At the close of the American war, the powder furnished by contractors, or otherwise purchased, was found to be of so bad a quality, that it was determined by Mr. Pitt and the duke of Richmond, to have these establishments instituted. Not only had the article of gunpowder been greatly increased in value and quality, but the saving to the country had been immense since these establishments were founded. The profit realized in consequence, from 1789 to 1810, had been immense: 750,000*l*. was the actual profit which could now be realized by the sale of all the powder in the stores, after undergoing a process of regeneration lately discovered.

Mr. *Bernal* observed, that the hon. clerk of the Ordnance had not answered all the objections of his hon. friend, and argued that there was no department which stood more in need of regulation than the Ordnance, the accounts being extremely irregular and confused.

The Committee divided: Ayes, 99; Noes 53.

List of the Minority.

Anson, hon. G.	Martin, J.
Barrett, S. M.	Milton, lord
Barnard, lord	Monck, J. B.
Bennet, hon. H.G.	Moore, Peter
Beaumont, W.	Newport, sir J.
Brougham, H.	O'Callaghan, col.
Bright, H.	Ord, W.
Calcraft, J.	Palmer, F.
Chaloner, R.	Parnell, sir H.
Crompton, S.	Pryce, P.
Crespigny, sir W. De	Ramsden, J. C.
Colborne, R.	Ricardo, D.
Concannon, T.	Robinson, sir G.
Denman, T.	Sefton, lord
Frankland, T.	Smith, hon. R.
Griffiths, J. W.	Smith, G.
Grant, J. P.	Taylor, M. A.
Guise, sir W.	Tierney, rt. hon. G.
Heron, sir R.	Tremayne. J. H.
Hobhouse, J. C.	Townshend, lord C.
Hutchinson, C.	Western, C.
James, W.	Whitbread, W.
Johnston, col.	Whitbread, S.
Lambton, J. G.	Wilson, sir R.
Lennard, T.	Wood, M.
Maberly, J.	TELLER.
Macdonald, J.	Bernal, R.

On the resolution "That 111,837*l*. 2*s*. 10*d*. be granted, for the Charge of the Office of Ordnance for Ireland, for the Year 1821,"

Mr. *Hume* begged to offer a few observations on the estimate now before the committee. The total charge for the Ordnance in 1792 was 34,630*l*.,* and in this year it was 111,837*l*. The difference was too great to pass unexplained. When the master-general in England assumed the superintendance of the Irish Ordnance department, it was understood that the expense at Dublin would have been reduced to a very small sum by the transfer of business; and the increase of clerks in the Pall Mall establishment has been attributed to the addition of the Irish business. The estimates for Ireland were so unsatisfactory, that he had called for the particulars of some of the items; and it was to be regretted, that he had not called for

*Ordinary estimate, 22,817*l*.; extraordinary, 11,813*l*. Total, 34,630*l*. *Vide* Commons Journal Ireland.

an explanation of them all, as the results of those obtained were so very extraordinary. The amount of the civil establishment at Dublin is put down in the estimates first laid upon the table at 7,661*l.*, but when a return of particulars in detail is obtained, the charge for pay and allowances is 11,149*l.*, with 1,010*l.* for assistant clerks; and for 19 officers and clerks at eleven out-stations, 4,781*l.* instead of 3,349*l.*: a total of 16,940*l.* for civil officers; whilst the pay for all the *artificers* and *labourers* employed under the Ordnance in Dublin, and at all the out-stations in Ireland amounts to only 8,160*l.* In this amount is included the pay of the master artificers, foremen, and foreman of labourers, and likewise the pay of the whole of the private servants, (about twenty) allowed to the civil department, which will reduce the amount actually for labour to a very small sum. This practice of keeping private servants for the officers at the public expense, ought not to be permitted one month longer. It is usual in public and private establishments, to have the largest expenditure for labour; but here, the salaries of the superintendant officers amount to four times more than the pay of the men. Is that right? There cannot be a difference of opinion in the mind of any man, however little versed in Ordnance expenditure, if he will examine the returns, that two-thirds of this charge for the civil officers in Dublin and the out-stations might be saved to the country. It is worth observation, that the treasurer in Dublin receives a salary of 575*l.* a year, and that the former treasurer. Mr. James Allan retired, after only five years service, on a pension of 500*l.* a year, which he now enjoys. Is there any attention to economy in this?

All these civil officers have also quarters provided for them at a great expense, or have house-rent allowed them. The officers kept up at the out-stations, are, in proportion to their duty and former rates of pay, all overpaid, and many of them altogether useless. At Balincolig, for instance, the superintendent and storekeeper alone receive 975*l.* a year between them, besides quarters. This place had been selected for a manufactory of gunpowder, but is now abandoned.

The propriety of ever establishing such a government manufactory in a country so frequently disturbed, is much called in question, by the best informed, when we had the works of Feversham and Waltham Abbey; but all agree as to the extravagant rates at which the works were purchased and extended, and others erected, and also the improvident manner in which were they carried on, and the land taken on lease. The country pay to C. H. Leslie the large sum of 1,275*l.*, for annual rent of a few acres of land on which the artillery barracks and gun-powder manufactory are erected. Both are now unemployed and useless; both should be sold, and the ground returned to the owner or let, and the expense of the establishments saved, particularly the extravagant allowances of 975*l.* to only two persons of that establishment. There is scarcely an Ordnance out-station where there is one hour's duty for any officer in the day, and the salaries of all that are kept, should be proportionably reduced. It ought to be kept in mind, that if the number of these civil establishments, and the amount of their salaries were increased with the increase of business during the war, the reduction of these civil officers ought to keep pace with the reduction of the army. But no such practice is followed, or proportion observed by the Ordnance board. In the same manner, 7,880*l.* is paid for rent of land for barracks, and batteries, &c. required perhaps during the war; many of these are now unnecessary, and by selling the buildings, the rent, the establishments, and the repairs would be saved. For example, should the public continue to pay rent for land for brick works at Youghall, when bricks are no longer required, or likely to be required for any public buildings? There are charges also in this estimate to the amount of 31,414*l.* for civil and military contingencies stated in two lines, but no kind of explanation of what nature these charges are. In the same manner 12,540*l.* and 2,829*l.* are charged under the head of repairs of store-houses, barracks, &c. Who can tell, whether these amounts are expended for repairs, or for the support of useless establishments as at Feversham, Gravesend, and other places in Great Britain? The large amount, however, under that head, shows the necessity of revising all these establishments, particularly as the committee will be called upon hereafter to vote 88,832*l.* for barracks in Ireland. He had no doubt whatever but that in the civil establishments and in the contingencies, repairs, rent, &c. more than 40,000*l.* might be saved; but, as the

committee had full information at present only of the civil establishments at Dublin, and the out stations, he should content himself by reducing the vote by 4,550*l.* or one-fourth of these unnecessarily large, establishments. Of the propriety of that reduction, every member who examines the returns on the table, will be a judge.

Sir J. *Newport* agreed with the hon. member in the view which he had taken of the establishment at Ballincollig.

Mr. *Ward* denied that the salaries of the officers in the Ordnance department in Dublin were too large, considering the responsibility which they incurred.

The committee divided: For the Amendment, 53; Against it, 92. The resolution was then agreed to.

HOUSE OF LORDS.

Tuesday, May 22.

TIMBER DUTIES BILL.] Earl *Bathurst* rose to move that this bill be committed, and went into a detailed explanation of the grounds of the measure. He reminded their lordships that, in consequence of being excluded from the Baltic in the year 1809, the country had been thrown back on its own resources. It became necessary therefore to encourage the importation of timber from our colonies, and the duties were arranged with that view; but it was distinctly understood, that that arrangement was not to be permanent, and notice was given that the whole would be revised. The effect of this notice was, that the persons engaged in the trade took alarm, and made large importations, without any reference whatever to any increased demand. In 1817, the importations from America had been only 136,000 loads. In 1818 these 136,000 loads were, without any new demand, increased to 230,000 loads. This was entirely owing to speculation. In the same year there were also large importations from the [illegible]. The quantity from the Baltic [illegible]ed in 1817 was 79,900 loads, which increased in 1818 to 130,000 loads. The quantity both from the Baltic and America in 1817, was 216,000 loads; and in 1818, 334,000 loads. In 1819, from the effect of the notice, the importations from America rose to 249,000 loads; and, in the same year, the amount from the Baltic was 103,000 loads, making the whole importation for that year, 352,000 loads. This was a great excess over the year 1817, in which, only 216,000 loads had been imported. From these facts he inferred, that the great importation of American timber had not arisen from the duties, but from speculation, and that the trade in the years 1818 and 1819, was not in a natural state. He described the duties proposed by the bill, and reminded their lordships, that when the committee of their lordships' House made their report, it was conceived right to give some protection to our colonial trade; but he admitted that the bill had gone farther than the report in this respect. The difference was, however, rather in quantum than in principle; and the proposed system would be subject to revision in the course of three or four years, or at any future period. This arrangement he knew would not be satisfactory to those who went the length of thinking that no protection should be given to any trade, and that the true policy was, to buy every thing where it could be got best and cheapest. Few were, however, fond of applying this doctrine in cases which affected their own interests. We did not apply it in the case of linen, nor of iron, nor of corn. Indeed, to apply the doctrine to one particular article, while all others remained unchanged, would be unjust; and this was particularly true with respect to colonial articles, because the whole colonial system was at variance with the system. It had been calculated that the public had paid in increased duties about 400,000*l.*; but this was not a fair mode of arguing; for the trade, as he had shown, was in an unnatural state when the great importations took place.

The Earl of *Lauderdale*, after expressing his surprise that there should be so thin a House when a commercial measure of the greatest importance was to be discussed proceeded to oppose the bill. It had been proved in the committee that vessels made of American timber would not last one-half the time of those made of Baltic timber. In the committee he had asked a witness this question—"Suppose a house built of Norway fir were valued at 600*l.*, what would you, as a surveyor, advise a purchaser to give for the same house if built of American fir?" He expected certainly to hear a low valuation; but the witness put no value whatever on such a house; but replied that he could not advise any body to buy it. He regarded the bill as altogether a colonial job. He went over the report of the committee, and ridiculed the exceptions made from the

general principle which was laid down in the commencement of that document. It had been shown that the money received for Canada timber only paid the expenses of cutting and sending it to be shipped. The bill, therefore, protected no interests except those of the proprietors of a number of old ships, and of 150,000*l.* of capital which had been laid out in purchasing new ones. He condemned the preference given to Russia over Norway by the bill, at the very time that Russia was augmenting the duties on British merchandize. There had been numerous petitions from the merchants, all praying for the removal of the restrictions on foreign trade. The petitioners were doubtless happy to hear stated in parliament, and more particularly by his majesty's ministers, principles similar to their own; but their surprise must be great to learn, that the first measure derived from these principles, was one which placed the trade to which it applied in a worse situation than it stood in 1813. On these grounds he moved, as an amendment, "That the bill be committed this day six months."

Lord *Ellenborough*, though he concurred in the objections urged against the bill, would oppose the amendment, because he thought some little benefit might arise from this measure, and was afraid, were the bill thrown out, that the influence of the shipping interest might be sufficient to prevent any other alteration from being made. He certainly expected that ministers would have acted with more firmness in this business. The effect of the bill would be a premium to introduce the dry rot into every building in the kingdom. If he should ever be again appointed on any committee of trade, he would endeavour to do his duty, but he should enter into it without the least hope of being able to accomplish any benefit for the country.

Lord *King* strongly deprecated the bill.

The Earl of *Liverpool* observed, that their lordships were to consider, not whether this bill did all that could be wished, but whether it did not put these matters on a better footing than they were before? For his own part he thought it must improve the trade by reducing the duty on Baltic timber, from 3*l.* 5*s.* to 2*l.* 15*s.*; or, considering the additional duty on Canada timber, reducing it in fact to 2*l.* 5*s.* Some further measures of protection for the colonial trade also were included in it; and that trade was at all times, subject to certain inconveniencies, which undoubtedly did require some compensation. This was a protection which operated also to encourage our own manufactures; and here he would say, adverting to some of the objections which had been taken to the bill, that he could understand the principle of giving protection and encouragement to our own manufactures and industry, as against those of another country; but he could not understand that principle upon which the encouragement of the industry and manufactures of any one foreign country were to be recommended as against another. That part of the bill which related to the transports, he was certainly not satisfied with: but still it put even that matter on a better footing than heretofore.

The Marquis of *Lansdown* said, that, after the part which he had taken in former discussions upon this subject, he could not help expressing his extreme regret and surprise at the speech of the noble earl. After all the consideration that this question had undergone; after the assurances so often given by the noble earl, that whenever any arrangements should be adopted for the purpose of effecting an alteration in this system, they should be on a complete and permanent scale; after four or five years of peace had been suffered to elapse, upon that very ground, without any thing being done, their lordships were now informed by the noble earl at the head of his majesty's government, that they were to pass a bill, founded, indeed, in an erroneous policy, but one which established a system a little better than what had hitherto been acted on. The noble earl himself had not attempted to justify it, and had not offered one argument to support even his own qualified recommendation of it.

Earl *Bathurst* said, that no arrangement existed to prevent government from revising the provisions of this bill at any future time, if it should be deemed expedient.

The amendment was negatived, and the House went into the committee.

PROTEST AGAINST THE TIMBER DUTIES BILL.] The following Protest was entered on the Journals, by the earl of Lauderdale:

"Dissentient,

"1st, Because, whilst the speeches in this House and the reports of our committees dis-

play to the public an enthusiastic admiration of the most sound and liberal principles of commercial legislation, it is with feelings of the deepest regret that I have seen this House agree to the committment of a bill which, instead of showing any disposition to liberality in our future commercial intercourse with foreign nations, will, if recorded in our statute-books, exhibit a specimen of our predilection for that illiberal, artificial, and restrictive system of regulation, which has long disgraced our commercial codes, under all the circumstances of the case, more disgusting than the arrangement it is intended to correct —It is true the duties on timber and deals, as arranged by the 49th Geo 3, cap 98, 51 Geo 3, cap 43, 51 Geo 3, cap 93, and the 53 Geo 3, cap 33, had become highly oppressive, but it is equally true that the hardship arising from an alteration in the circumstances of the country could not be apparent to the legislature at the time of passing these acts —In this situation the timber trade, which is stated in the Commons' report 'to be open to any modification in respect of the rate of duty or mode of levying it that parliament might deem prudent,' naturally attracted the attention of the committees of both Houses of Parliament, appointed to consider of the means of improving foreign trade; and in proportion as the merchants and manufacturers of this country must have read with satisfaction the reports of these committees, stating it to be 'the duty of the legislature to mark their desire to foreign nations of adopting more liberal principles of commercial intercourse,' their disappointment must have been great when they saw the provisions of this bill openly sanction the hardship to which time and inadvertency had given rise — Under the arrangements of these acts, consolidated by the 59th of the late king, American timber was admitted duty free, whilst Baltic timber was subjected to a duty of 3*l*. 5*s* per load. But in the year 1812, when this system was adopted, 3*l* 5*s*. did not compensate the difference of freight betwixt an American and Baltic voyage, which then amounted to 3*l* 10*s*., and yet by this bill, introduced for the avowed purpose of marking our desire to adopt more liberal principles, the relative state of the American and Baltic timber trade will be arranged as follows —

	£	s.	d.
Proposed duty on Baltic timber per load of 50 cubic feet	2	15	0
Deduct duty to be imposed upon American timber	0	10	0
Remains	2	5	0
Freight from Quebec per load	2	10	0
Freight from Memel per load	1	5	0
Difference	1	5	0
Deduct difference of freight on American timber	1		
Remains the bounty which, under the purposed regulations, our colonies will enjoy	1	0	0

"Thus, instead of imposing a duty, as in 1812, amounting to 5s per load less than the difference of freight, the legislature is called upon to prove its liberality to foreign nations by giving a bounty to our colonies, over and above full compensation for the difference of freight, of no less than 1*l*. per load

"Neither is this all, for the following calculations will show—1st, That the duties imposed on deals from our colonies, when compared with the duties on that article from Russia and Prussia, must be ruinous to the trade of the latter 2dly, That on a comparison of the duties imposed on deals from our colonies with the duties that will fall to be paid on Norway deals, the difference must effect a complete prohibition of that article from Norway 3dly, That our love of regulation and restriction has even extended to our imposing duties on Norway deals, which, when compared with the duties on deals from Russia and Prussia, must be ruinous to the Norwegian trade 4thly, That, contrary to principle, and to all former practice, a bounty is given to the foreign manufacturer of deals, which must annihilate that branch of industry in this country

1st —Comparative amount of duties on deal from our colonies, and from Russia and Prussia, converting the deals into loads of timber of 50 cubic feet, and showing the advantage our colonies will have on each load of timber under the present arrangement.

	£	s.	d.
1st 120 deals, 16 feet long, 3 inches thick, and 11 inches broad, contain 8 loads, 40 feet cubic measure; and as 120 deals, 16 feet in length, are taxed at 19*l*, this will amount per load to a duty of	2	3	2
120 American deals of the same dimensions are taxed at 2*l* this will amount per load to a duty of	0	4	0½
Difference of duty per load	1	18	7½
Deduct difference of freight as above betwixt America and the Baltic	1	5	0
Remains the real bounty given per load to our colonies on deals of those dimensions	0	13	7½
2dly—120 deals, 21 feet long, 3 inches thick, and 11 inches broad, contain 11 loads and 27 feet, cubical measure, and as 120, 21 feet in length, are taxed at 22*l*, this will amount to a duty per load of	1	18	1

120 American deals of the same dimensions are taxed at 2*l*. 10*s*. this will amount per load to a duty

of 0 4 2¼

Difference of duty per load which forms a bounty in favour of our colonies 1 13 10¼
Deduct difference of freight betwixt America and the Baltic 1 5 0

Remains the real bounty given per load to our colonies on deals .. 0 8 10¼

2dly.—Comparative amount of duties on deals from our colonies and from Norway, converting the deals into loads of timber of 50 cubic feet, and showing the advantage our colonies will have on each load of timber, under the present arrangement:—

1st.—120 Norway deals, 12 feet long, 3 inches thick, and 9 inches broad, contain 5 loads, 20 feet cubical measure; and as 120 12 feet deals are taxed at 19*l.*, this will amount per load to a duty of .. 3 10 4
120 American deals of the same dimensions are taxed at 2*l.*: this will amount per load to a duty of 0 7 4¾

Difference per load 3 2 11¼
Deduct difference of freight betwixt an American and Norway voyage 1 10 0

Remains the real bounty given to our colonies on deals of these dimensions 1 12 11¼

2nd.—120 Norway deals, 8 feet long, 3 inches thick, and 9 inches broad, contain 3 loads and 3 feet cubical measure; and as 120 deals, 8 feet in length, are taxed at 19*l.*, this will amount per load to a duty of 5 5 6½
120 American deals of the same dimensions are taxed at 2*l.*: this will amount per load to 0 11 1¼

Difference of duty per load 4 14 5¼
Deduct difference of freight betwixt an American and Norway voyage 1 10 0

Remains the real bounty given to our colonies on deals of these dimensions 3 4 5¼

3dly. Comparative amount of duties imposed by this bill on deals from Norway and from Russia, resulting from the circumstance that Norway deals cannot be had so as on an average to exceed 12 feet in length, and 9 inches in breadth; whilst Russia deals are always 11 inches broad, and may easily be had 16, or even 21 feet long.

1st.—120 Norway deals, 12 feet long, 3 inches think, and 9 inches broad, contain 5 loads and 20 feet cubical measure; and as 120 such deals are taxed at 19*l.*, this will amount per load to a duty of..... 3 10 4
120 Russian deals, 16 feet long, 3 inches thick, and 11 inches broad, contain 8 loads, and 40 feet cubical measure; and as 120 such deals are taxed at 19*l.*, this will amount per load to a duty of 2 3 2

Advantage, per load, which the Russian deals will enjoy under this bill over the Norwegian deals of these dimensions 1 7 2

2dly.—120 Norway deals as above per load 3 10 4
120 Russian deals, 21 feet long, 3 inches thick, and 11 inches broad, contain 11 loads and 27 feet cubical measure; and as 120 such deals are taxed at 22*l.*, this will amount to a duty per load 1 18 1

Advantage per load which the Russian deals will enjoy under this bill over the Norwegian deals of these dimensions 1 12 3

3dly.—120 Norway deals, 8 feet long, 3 inches thick, and 9 inches broad as above, pay per load 5 5 6
120 Russian, 16-foot deals, pay per load as above 2 3 2

Advantage, per load, which the Russian deals will enjoy under this bill, over the Norwegian deals of these dimensions 3 2 4
120 Norway 8-foot deals, as above, pay per load 5 5 6
120 Russia 21-foot deals pay per load 1 18 1

Advantage, per load, which the Russian deals of these dimensions will, under this bill, enjoy over the Norwegian deals of 8-foot dimensions 3 7 5

4thly.—Statement showing that the bounty given to Russian deals by the present bill, must destroy the manufacture of that article in this country.

1st.—Russian timber pays per load 2 15 0
Russian deals, 16 feet long and 3 inches thick, and 11 inches broad, &c., pay per load 2 3 2

Direct bounty on deals 0 11 10
Further, as the duty on the waste, and on the extra measure, with the low duty on slabs, amounts to 25 per cent. on the duty on the deal, this gives an advantage of .. 0 10 9

Total bounty in favour of the foreign deal manufacturer per load 1 2 7

2dly.—Russian timber, as above, per load 2 15 0
Russian deals, 21 feet long, 3 inches thick, and 11 inches broad, &c. pay per load 1 18 1

Direct bounty	0	16	11
Further duty on waste, as above	0	9	6
Total bounty in favour of the foreign deal manufacturer per load	1	6	5

"2nd. Because it appears to me that this House will treat with undeserved contempt the decision of their own committee—'that it is expedient only to compensate to the Canadian importer of timber, the difference of freight and transport,' as well as the desire expressed by the committee of the Commons House of Parliament 'of adopting, in our intercourse with foreign nations, more liberal principles than those which have hitherto guided us,' if they sanction a bounty in favour of our colonies of nearly 100 per cent. on the value of the raw material, which will be the case if 1*l.* per load of timber is given in the shape of bounty, over and above compensation for the difference of freight.

Besides, I must be of opinion that it is a measure highly injurious to the interests of the people of this country; for, whilst it is undoubtedly proved that American timber is far less durable than that of the Baltic, and that this trade is of little or no advantage, except to what is called the shipping interest, I cannot forget that timber used in building, if it perishes, inflicts upon the people of this country the loss of the materials with which it is worked up, amounting at least to four times its own value; and that the committee of the House of Commons have, in their Report, stated, with great truth, 'that the policy most advantageous for this country, is to obtain timber of the best quality, and at the lowest price, without reference to the quarter from which it is derived.'

"3d. Because, whilst I applaud the wish expressed by the committee of the House of Commons "of marking to foreign nations our desire, in the arrangement of the timber duties, to adopt more liberal principles than those by which our commerce with them has been hitherto governed," I must reprobate that unprecedented and unprincipled love of regulation and restriction exhibited in this bill to such an extent, that duties are laid on deals from Norway—a country that always admitted our manufactures at comparatively low duties—which, when compared with the more moderate duties imposed on deals from Russia—a country which has recently increased its extravagant duties on our manufactures—can leave no doubt that a bounty of nearly 100 per cent on the value of the commodity is given to the latter.

"4th. Because though I agree in the prevalent opinion that our commercial code displays too much jealousy of foreign industry, and too great a desire to secure by prohibitory duties, to our own industry a monopoly of the home-market; yet I was not aware that the policy of a contrary system, viz., that of securing to foreign industry a monopoly of the home-market, had ever been maintained, even by the wildest theorist; far less could I have imagined that such a system would ever have been acted upon by the legislature of any country; yet, by the unprincipled and extraordinary arrangements of this bill, it is impossible not to admit that a bounty is substantially given to the Russian and Prussian manufacturers of deals, in no instance less than 1*l.* 2*s.* 7*d.* per load, a sum which must annihilate all attempts on the part of the home-manufacturer to compete in that article.

"5th. Because, injurious to the country as it must be, to force into use, at an advanced price, timber of an inferior quality subject to premature decay, it appears to me that this is far from being the most serious calamity with which the proposed arrangement threatens this mercantile country.—Since the restoration of peace the tables of this and the other House of Parliament have been crowded with petitions from our merchants and manufacturers; in which, convinced of the great truth, that commerce is an exchange of equal value for equal value, and that it is impossible for goods to be imported into this country, without an equal value of our commodities being exported, they have strenuously enforced the necessity of doing away that restrictive, protective, and prohibitory system which has disgraced our commercial arrangements; anxiously urging, that by gradually adopting this line of conduct, we should not only afford relief to a suffering people, but secure to them important benefits, from the example this alteration of system would hold out to foreign nations.

To me, therefore, it appears the greatest of all calamities to see this House adopt a bill which, in regulating that branch of commerce that has first come under the consideration of parliament, not only prejudices the interest of foreign nations without any material benefit to our colonies, by forcing into use an article of colonial produce they could furnish cheaper and of a superior quality; but, by a partial arrangement of duty, regulates the comparative degree of intercourse we shall enjoy with other countries—thus, at once, unjustly sacrificing to the proprietors of shipping, who can alone derive advantage from it, the interest of the British consumers, and annihilating the reasonable expectations of benefit which our merchants hoped to derive from unrestrained commerce, by setting the example of illiberal preferences that will render it impossible for us to negotiate with foreign countries, with any chance of approximating to that freedom of intercourse which, if it could be established, must redound equally to the advantage of all.

(Signed) "LAUDERDALE."

HOUSE OF COMMONS.

Wednesday, May 23.

CONSTITUTIONAL ASSOCIATION.] Mr. Dugdale having presented a petition

from Birmingham, complaining of the severity of the Criminal Laws.

Mr. *Brougham* said, he was anxious to take the opportunity afforded to him by a petition being presented for an alteration in the criminal law, to complain of another alteration in the criminal laws, not made upon the sound and constitutional principles of his hon. and learned friend (sir J. Mackintosh), but upon principles and with feelings which justly created serious alarm in the public mind. He alluded to the inroad made upon that which, if not the exclusive right, had at least been the general practice of his majesty's attorney and solicitor-general—the proceeding officially against all persons guilty of offences against the church or state. He did not mean to contend that, by law, this right was vested solely in the solicitor and attorney-general, for he held that by law any man could proceed against another for a public offence. After the many associations which had existed for the prosecution of felonies, it would be hard to raise a question with respect to their strict legality. But the proceedings of these associations had always been confined to the prosecution of felonies, or of those odious crimes which came more immediately under the cognizance of the Society for the Suppression of Vice, which at the time of its establishment was strongly objected to, on the ground of its impropriety, but with respect to which, he wished to be understood to give no decided opinion. The Society for the Suppression of Vice, however, by confining itself to the object of its institution, and connecting itself with no party, had done less mischief than had been apprehended at the time of its establishment, and had even effected some good. But there was a society now in existence, of a perfectly different nature, which meant to proceed to the prosecution of political offences, to be selected at the discretion of political feeling. The prosecutions were to be conducted by means of a common fund, and no person of respectability could be fixed upon as immediately responsible for the acts of the society. He did not mean to say there were no respectable individuals connected with the association. He knew, indeed, that there were many most respectable persons connected with it, to whom, on the present occasion, he wished to address himself only in the language of expostulation. He believed that many persons had entered into this association, without seeing how likely it was to be perverted to improper objects; without being aware that they were lending the credit of their names to proceedings, of which, if they did not hereafter repent, he, knowing their sound constitutional principles, should be surprised. He thought that no one calling himself a friend of the constitution, that no person connected by principle with the existing administration, that not even a constitutional Tory in church and state, could support this society, when he considered the danger that might result from it to the principles and interests to which he was conscientiously attached. There might be occasions on which it would be not merely allowable, but the duty of government not to prosecute. He could conceive a case of the most gross description, in which, if an indictment were preferred, conviction must ensue, and punishment must follow on conviction: he could conceive a case of this nature, where it would not only be the interest of government not to prosecute, but where the greatest public mischief would arise from bringing it into a court of justice. This society, however, might prosecute a case of this nature, in opposition to the wishes and interests of the government. When he spoke of this society, he did not mean the respectable persons whom he had before alluded to, but two or three attorneys, who would be paid out of the funds of the society, and would care little for the ultimate effect of the prosecutions which they might institute. Hitherto the office of prosecuting for offences, to which this society professed to oppose itself, had been vested in the attorney-general, who was open to the influence of public opinion, which restrained him in the exercise of a very high, and if not coupled with responsibility, a very dangerous political power. Indeed, by many persons, it had been deemed too high a power to be entrusted to any individual, however responsible for the exercise of his trust; but here was a set of individuals, under the name of a constitutional association, proposing to exercise the functions of the law-officers of the Crown without any responsibility whatever. He had said that he knew there were many godly and respectable men connected with the association. He believed that these persons had been induced to lend the influence of their names to it in the belief that it was particularly devoted to put down

offences against religion. Abhorring offences of this description as much as the contempt which he felt for them would permit him—he meant contempt for the effect which they were likely to produce—he had much rather that they should only be liable to prosecution by the recognised officers of the crown, than be also liable to it by an association, where that would interfere which must always be dangerous in such cases—he meant the spirit of particular sects. He found in the list of the members of this association, the names of forty peers. Surely these individuals could not have reflected, when they made themselves parties to the undertaking, that they were judges in the last resort. In cases of libel, the whole question was put on the record, and it might therefore become necessary for some of the peers to decide upon a case which they had previously given funds to prosecute. He did not think it would be any remedy for the evil he complained of to establish contrary associations. This would only lead to a contest between two political parties, each prosecuting what they considered libels—a system which would finally deprive the country of the benefit of any political discussion whatever.

FORGERY PUNISHMENT MITIGATION BILL.] Sir James Mackintosh moved the order of the day for going into a committee on this bill. On the question, "That Mr. Speaker do now leave the Chair,"

The *Solicitor-General* said, it was with great reluctance he opposed the motion of his hon. and learned friend. In doing so, he was not insensible to those feelings of humanity in which the measure had its origin; but he was compelled, in the discharge of his public duty, to give his negative to the bill. It was quite impossible that any party feeling or party view could influence any member on this subject; as it ought to be considered entirely on its own merits, which were, the interests of humanity, so far as those interests were compatible with the security of the public. The House was aware that this bill arose out of the report of a committee which had been appointed during the last session. He stated unfeignedly that he had the highest respect for the great talents, great discernment, and great experience of the members of the committee, than whom there could not be men better calculated for the important charge intrusted to them; yet the report had proceeded on a partial view of the question. He spoke of it, of course, as connected with the evidence; and so considering it, it was impossible not to feel that it presented a partial view to the consideration of the House. He attached no blame to the committee, but to their method of inquiry, and to the circumstances connected with that inquiry. A large number of respectable persons were known to be averse to capital punishments who had been eager in the pursuit of their object, and had pressed themselves on the committee to give evidence. This might have been foreseen, and it was impossible not to see that this had actually taken place. There were persons of opposite opinions who had naturally withheld their evidence, and had felt reluctant to state their experience, unless they were compelled by the order of the committee. Such persons were not compelled, and of course no evidence from them appeared on the face of the report. The report itself was evidently drawn up in a haste, as many inaccuracies appeared in it. Thus, it was stated, that stealing in dwelling-houses to the amount of 40*s*. was a capital offence by the law as it stood. Now, he had no hesitation in saying that there was no law respecting stealing in houses to the amount of 40*s*. In like manner, the report stated that stealing in ships and vessels on navigable rivers was a capital offence; there was no such offence known to the law of England. These circumstances he mentioned to show that the report was drawn up in haste, and was not, therefore, entitled to the attention which, from the known talents and attainments of the individual who had been chairman, might be thought due to it. It also conveyed a charge against a learned judge, now no more, for whose memory he had the greatest respect and veneration. At the assizes in Essex an individual had been tried, convicted, and executed, for cutting trees. The charge against the learned judge and the secretary of state for the home department was, that the individual had been executed, not for the crime of which he had been convicted, but for other offences for which he had not been tried or convicted. A charge so serious in its nature should not have been made without due inquiry. The committee had it in their power to have instituted that inquiry—the clerk of the crown for Essex lived in London, and

might have been examined; no such examination took place. He had himself inquired into the circumstance, and had ascertained that the individual who had suffered the sentence of the law, so far from not having been convicted of any other crime, was at that very assize, charged under eight distinct indictments, with eight distinct offences, one of which was burglary; and of four of those offences he was convicted.

Mr. *Buxton.*—Was he convicted of the burglary?

The *Solicitor General.*—There were seven cases of larceny charged against him, of four of those he was convicted; he was not convicted of the burglary. It was proved that he had cut down the timber from motives of malice against the proprietor of the land. He had thought it necessary to state the circumstance, not for the purpose of throwing any censure upon the committee, but to free the character of a venerable judge from the odium which might be thought to have been thrown by the report upon his memory.—In adverting to the bill before them, it appeared that the object of it was to take away, for the first offence, the punishment of death in cases of forgery of every description, save those of notes of the Bank of England. It was necessary, therefore, to consider the cases to which the bill applied. It applied to the forgery of wills—a crime easily committed, and by which families might be stript of their entire property. It applied also to the forgery of marriage registers—a crime which went to destroy not merely the property of families, but to affect the legitimacy and character of its members. It also applied to the forgery of deeds of conveyance of property to any amount, and cases of the transfer of stock—cases so very important, and on which depended property to a great amount. He recollected having been employed in one case where the party was charged with having committed forgery respecting the transfer of stock to the amount of 20,000*l.* The House, he thought, should not in cases of such great importance, proceed to alter the law, without having before them the strongest reasons for a measure so important to the country—so deeply affecting the security and property of families. He was aware that it might be said, that the existing laws against forgeries were but so many innovations on the common law. By the common law, the crime of forgery was not punishable with death; it was treated as a misdemeanor. But it should be recollected, that in the infancy of writing, when commerce was limited, and the transactions of the people were simple, forgery was a crime of rare occurrence. But as commerce increased, and society advanced, the crime of forgery became more frequent; hence the statute of Elizabeth, a statute enacted to guard against the repetition of the crime. That statute, though it did not inflict the punishment of death, affixed a punishment nearly as grievous. It enacted, that every one convicted of the crime of forgery, should pay to the party injured double the value of the property—should be imprisoned for life,—should be put in the pillory, and have his ears nailed to the pillory—should have his nose slit, and should be seared with a red hot iron,—should forfeit his goods and chattels to the Crown, and his lands and tenements for life. Such was the dreadful punishment affixed to the first offence; for the second offence the party was liable to be executed. So the law remained until the reign of George 2nd. The manners of the times rendered that law necessary. The Revolution effected a sensible change in the manners and feelings of the country. Imprisonment for life, and the dreadful punishment of mutilation, could no longer be effected. The law of Elizabeth remained a dead letter, and the crime of forgery greatly increased in consequence. To meet the evil, the act of George 2nd was made, after very great consideration, and with the best advice. Lord Hardwicke was then attorney-general, and lord Talbot solicitor-general. The act, so cautious was the legislature, was first tried as a temporary act, to expire in five years. The subject was shortly afterwards brought again under the consideration of the legislature. Some verbal defects having been discovered in the act, it became necessary to correct them; in consequence of which, in less than a year after the passing of the act, the matter was brought a second time before parliament. Again, shortly before the expiration of the five years, the subject was brought under legislative consideration; and the act having been found effective, was made perpetual. Since that period, the subject was frequently brought under the view of parliament. So lately as the year 1805, those acts were re-enacted, with reference to a particular object

The House was aware that Scotland was exempted from the provisions of the act of George 2nd, because at the time that act was passed, forgery, by the law of Scotland, was punished with death; and a great many executions had taken place in that country from the time of passing the statute of Elizabeth, to the reign of George the II. He had, in support of the present system, the practice of this country during the administration of some of the wisest men that ever lived in it, and during parliaments which had been composed of men of the brightest talents. When they found a law so established, it required that not an ordinary, but an irresistible case should be made out to warrant its repeal. What, then, were the reasons on which this bill was founded? If they looked to the preamble of the bill, they would find the only reason there stated was, that the existing law was ineffectual for the prevention of forgery. On this issue he would meet his hon. and learned friend. All his experience, and the experience of those of the greatest knowledge on such subjects, whom he had consulted, induced him to withhold his assent to this proposition. He was convinced, that although the crime was not altogether repressed (as what crime could be by any punishment?), and that though some instances of it occurred which were not brought to punishment, yet on the whole it was effectually prevented. But it was stated, that if the punishment were mitigated, there would be more convictions, because many persons did not now prosecute, from the knowledge that the penalty of the crime was death, and that that severe penalty was generally inflicted in case of conviction. The truth of this he did not deny; but he denied that they could argue on this fact alone. They must take the whole of the case together, though they might, by mitigating the law, increase the prosecutions, they should put, on the other side, the diminution of the terror of the heavy penalty, and of the almost certain infliction of that penalty in case of conviction. This brought him naturally to the nature of the punishment proposed to be substituted for that of death. The object of punishment was the prevention of crime by terror. The punishment in this case was to be transportation. Now it was known that transportation was scarcely regarded in the light of a punishment; that it was regarded with no terror; that the criminals on being sentenced to it, often bowed to the judge and thanked him. Who were the persons who were likely to commit private forgery? They were usually individuals who were in distress or embarrassment, and in circumstances in which the success of their crime seemed to them probable. Such a man would say to himself—"If I am convicted, what is the result? I shall suffer transportation—a change of circumstances scarcely to be deprecated. If I succeed, and am not detected, I may escape to another country to live in affluence;" for it was to be recollected, that this was a crime the object of which was, not the possession of a few pounds, but of a whole fortune. He did not say that a man about to commit a crime coolly reasoned thus, but these considerations passed through his mind, and determined him as by instinct. But as the law now stood, he would reason thus, perhaps—"the humanity of the person whom I am attempting to defraud, may withhold him from prosecuting; but if he does prosecute, I am sure to forfeit my life." He asked them, then, whether the new law was not likely to be much more inefficient to the prevention of the crime than the present law? When he looked at the preamble of the present bill, and found it stated therein, that the existing law was insufficient to repress the crime of forgery, he thought that the House had a right to be satisfied that the new punishment which it was called upon to inflict in the place of the old one, would not at least be less insufficient. The object of his hon. and learned friend was, as he well knew, to repress the commission of forgery. But before he consented to his proposition, he had a right to demand of him the reasons on which he grounded it. With those reasons, as he had not yet stated them, he could not pretend to combat; but he might be allowed to advert to what he was informed was one of the usual arguments of his hon. and learned friend. His hon. and learned friend had said, that he did not intend to make transportation the only punishment for forgery; for in some cases he would have the offender imprisoned and kept to hard labour. Now, in reply to this argument, he would declare, that there was no such punishment for any great crime in this country, as imprisonment and hard labour. What there might be hereafter, he could not tell; neither could he know what might be effected by the benevolent and patriotic labours of hon. gentlemen in that

House; but at present it appeared as if hard labour had always been considered by the legislature as insufficient to deter from crime, especially when the crime was likely to be attended by great pecuniary advantages. The question came ultimately to this—"Has the hon. and learned gentleman who introduced this bill attached any penalty to the crime of forgery more efficacious than that which he is endeavouring to take away?" He contended that he had not; and therefore could not give his assent to the proposition which he had made. He was well aware that in other countries the laws against forgery were not so severe as they were in England. But other countries had means of prevention which this country had not: other countries had means of detection and conviction, through the agency of their police, which this country had not, and which he hoped to God it never would have. In France and in other countries private forgeries were not punished by death; but, by the law of France, and by its system of police, which never could exist in a country with a constitution like our own, crimes could, in the first instance, be more effectually prevented than in England; and in the second, more easily detected, inasmuch as the individual charged with them was compelled, by a kind of cross-examination, to confess his own guilt, which was never the case in England—except when an individual was unfortunately called to the bar of that House. No inference, therefore, ought to be drawn in favour of the present bill from the practice of foreign countries; and he must add, that unless his hon. and learned friend was prepared to inflict upon the crime of forgery some punishment already recognized by the law and constitution, he must give his warmest opposition to the bill. He had, indeed, alluded to the severe laws which had been inflicted upon offences of this nature in the reign of queen Elizabeth; but those punishments were so contrary to the principles of the present age, and so abhorrent to its practice, that they could never again be recurred to. The House must therefore adhere either to the punishment of transportation, as his hon. and learned friend at present proposed, or to the punishment of death, as awarded by the existing laws. He had before stated the reasons why he thought the latter punishment better suited to the crime, and it was therefore almost unnecessary for him to add, that he, for one, should negative the proposition then before the House, and would move, "That this House will resolve itself into the said Committee upon this day six months."

Mr. *Fowell Buxton* rose, and addressed the House to the following purport:*

Mr. Speaker; in rising to follow the hon. and learned gentleman, I should not do justice to my own feelings, if I did not express my satisfaction at the fair and candid statement which he has made; and I rejoice that no insurmountable difference as to principle appears to exist between that learned gentleman and my hon. and learned friend, the member for Knaresborough (sir J. Mackintosh). The Solicitor-general has stated, that no efficient substitute for capital punishment has as yet been discovered, and therefore that, as yet, the House is not in a condition to dismiss that species of penalty. Now, sir, I should be guilty of insincerity if I were to contend that transportation was any punishment at all. In fact, it is a privilege, and a privilege open to as many of his majesty's subjects as may qualify themselves for its enjoyment, the commission of a transportable offenc Indeed, if the present were a time to enter into such a discussion, I would undertake to show, by documents in my possession, that transportation is neither considered as a punishment, nor has the effects of a punishment. But, how does the hon. and learned gentleman assume that there is no other mode of secondary punishment, when we have annual returns from the office of the secretary of state, giving the most flattering account of the success of another species of secondary punishment, namely, the Hulks? I am not prepared to state that that mode of punishment is in a perfect state; on the contrary, I entirely distrust its efficiency. But I am prepared to declare, that imprisonment, with hard labour and occasional solitary confinement, and constant inspection and rigid discipline, is, in fact, the punishment you require. But, how stands the solicitor-general's argument? "We, the officers of the Crown, the legal and responsible advisers of his majesty, have certainly neglected our duty in not having provided a secondary punishment; and therefore let those who are in no sense the legal and responsible advisers of

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the Crown, namely, capital felons, be executed." The premises are true enough; but what an inference! If the hon. and learned gentleman had said, "We confess we have done wrong, and therefore let us be punished—we have abandoned our duty, and therefore let us suffer for it," I should have been the last man in the House to withstand so fair and reasonable a proposition. But when he says, "We have neglected our duty, and therefore let others be hanged," this seems to me an inversion of every principle of justice.

The hon. and learned gentleman justifies the infliction of death only on the ground of its necessity; and I cordially join with him in admitting, that the necessity of the case alone can, if any thing can, justify its infliction. The punishment of death is supposed to be necessary for the prevention of crime. Prevention of crime, then, being the only plea by which capital severity is considered to be justified, it becomes the only test by which it can be tried. So say the hon. and learned gentleman—so I say. Let that point be considered as agreed and conventional between us—and I beseech the House to bear it in mind throughout the whole of this discussion. But it is somewhat surprising to me, that, while the hon. and learned gentleman not only admits but urges, that the prevention of crime is the only justification of our rigour, he never should have once ventured to enter on the proof, that crime is so prevented. He has enlarged on every incidental and collateral topic; and yet did he never once advert to—yet did he never once touch the margin of that capital consideration, which, by his own admission, alone can warrant the rigour of your law; namely, its practical effect—its experimental issue—the award which time, experience, large and long trial, pronounces upon its efficacy—how it works in the long run. These are questions of which the hon. and learned gentleman entirely admits their importance, and as entirely avoids the discussion. But I have no intention of following his example. Here rests the pinch of the case. We have gone on long enough taking it for granted, that capital punishment does restrain crime; and the time is now arrived in which we may fairly ask, whether it do so? and in which we are bound to consider the state of crime in that country where this method of repressing it has so long been practised.

Thus, then, stands the case—A century has passed away, marked by nothing so extraordinary in our legislation, as the rapid growth of criminal laws. In that century, the criminal law of England has increased to four-fold dimensions. Of the twenty bulky volumes of the statutes on your table, three contain the statutes prior to the year 1700; for all the rest, we are indebted to the industrious spirit of legislation which has prevailed in later times. And, during that period, the advocates of severity have been permitted the utmost latitude, nay, I will say, the utmost licentiousness, of legislation. Well, then, severity being wisdom—and capital enactment being the best method of repressing crime—and we having attained the utmost point of that sagacious severity, it follows that, as to crimes, we must have attained the utmost point of perfection. It follows, that we must now enjoy that security against crime which belongs to so enlightened a system—it follows, that we, distinguished from ourselves in former periods, and from the rest of the world in the present moment, by greater severity of enactment, must be equally distinguished by greater rarity of crimes. Our principles being true, this is the inevitable consequence.

Now, it might make the boldest believer in the efficiency of executions pause a little, and somewhat distrust the infallibility of his own judgment, to contrast these reasonable and pleasant prospects—these bright, and, if his doctrine be sound, these inevitable results—with the strange and melancholy truth: and there are facts which place that result at once in a most striking and a most alarming point of view.

It appears, by papers which are now on the table of the House, that there passed through the prisons of this country in the year 1818, no less than 107,000 individuals. Some very considerable deductions, I grant, must be made from that number—some additions also must be made. But, without entering into minor details, making, for argument's sake, so extravagant an abatement as one-fourth—still, what an army of delinquents remains! What a mass of criminality does it display! But these are only a part, and comparatively a small part, of the number of criminals. These are the offenders detected in that year; and to these must be added, the still greater number who, in that year, escaped detec-

tion. Conjoin these, the comparatively few, who are seized by your law, with those the many, who evade it — and then what a bulk and mass of crime does it open to us! "But, prevention of crime is our object," says the solicitor-general. And let me ask him—let me ask any one who views the question as the hon. and learned gentleman has invited us to view it: not as a matter of party, but fairly and impartially—whether he can pretend to see in that mighty mass of guilt and infamy — in that enormous concourse of persons who are ever ready to invade the peace, and who always live by preying on the industry and property, of the community — any proof that crime has been prevented?

There is another fact, perhaps not quite so alarming, but quite as melancholy.—It appeared before a committee, of which the right hon. gentleman opposite was chairman—upon evidence which was only too conclusive, that in this metropolis alone there are from eight to ten thousand children, who earn their daily bread by their daily misdeeds — who now, indeed, live by petty pilfer, but who are growing in guilt more rapidly than they are growing in years—who are ripening into a greater capability of mischief — who are passing through an apprenticeship which, as it will disqualify them from becoming useful members of society, will fit them to become, for a time, the terror, and then the disgrace of your country — and who have yet to revenge on society, its inattention and its carelessness. "But, prevention of crime is our object." Then, I appeal to any man of competent judgment in the House, whether he can perceive, amidst these seeds of future delinquency — in this store and provision for the succession of criminals—in this multitude of poor wretches, who are rearing for no other purpose than to supply your gaols, your penitentiaries, your hulks, your colonies, and finally the gibbets of your country with their victims—any thing like a proof of the efficiency of your law?

Then, there is another fact. Every hon. gentleman who has attended to this subject at all, will know, that, during the last ten or twelve years, crime has multiplied in a four-fold ratio — and that that period, ten or twelve years ago, remarkable, as contrasted with the present day, for the rarity of its crimes, was equally remarkable for their redundancy, as compared with a period, twenty, thirty, or forty years preceding. And I plainly ask, whether the fact, that crime has grown—has flourished—has obtained unprecedented extent, under your law, can be tortured into a proof, that that law has been effectual?

But again—the comparison between the number of crimes here, with those of other countries. I have taken pains to ascertain the truth on this subject; and I believe I am correct when I say, that there has not been a foreigner of distinction, acquainted with the state of crime in his own country, who, upon visiting England, has not been surprised and shocked at the number and audacity of crimes in this country. But, I need not depend on any thing so doubtful as individual opinion. We have certain data; we have the number of persons in France committed to prison, and also in England; and it appears, that the number in France, with a population of twenty-nine millions, is less than in England, with a population of eleven millions.

Now, sir, I wish to place these broad facts before the common sense of the House. I know my own incapacity to meet the hon. and learned gentleman upon grounds of legal learning. If I were to attempt to compete with the superior knowledge and superior ability of the hon. and learned gentleman, I should only be injuring the cause which I so ardently desire to befriend. But, upon facts — upon the truth of the case—upon the real result of your system, I fear nothing. And, so long as I confine myself to grounds like these, so long I know my cause to be invincible.

I ask, Sir, what inference any person, whose opinions are unbiassed by party or prejudice—and I am bound to believe that none of the gentlemen on the other side of the House, nor the ministers of the Crown, view this as a party question — I ask, what inference any such person would draw from facts such as I have just mentioned? For example, what would be the impression made upon the mind of a foreigner, who, ignorant of our institutions, was called upon to give an opinion upon the subject of the efficiency of our criminal law? His first question would be, has it been tried long enough? and the answer must be, in truth it has: for we have tried nothing else for the last century.—Has it been tried on a scale large enough? This, too, we must answer in the affirmative; for the law of England has displayed no unnecessary nicety, in

apportioning the punishments of death. For example: kill your father, or catch a rabbit in a warren—the penalty is the same! Destroy three kingdoms, or destroy a hop-bine—the penalty is the same! Meet a gipsey on the high road, keep company with the said gipsey, or kill him, no matter which—the penalty by law is the same!

Well, then! the system having been tried long enough, and largely enough, the foreigner whom I have supposed to be consulted would next ask, what are the results? Has your law done that which you expected from your law? Are your houses safe? Certainly not! Are your streets safe? Certainly not. Are your gaols empty? Certainly not. Is life more secure, and property less endangered here than elsewhere? Certainly not. Has crime decreased? Certainly not. Has it remained stationary? Certainly not. Has it increased? It certainly has—and in a prodigious rate. Why, then, your system has failed. That is the award which every reasonable man must give. The facts themselves bear with them the irresistible conclusion, that something somewhere must be wrong.

But, sir, I should not meet the question fairly—I should not assault the strength of my opponent's case—if I avoided that only experimental fact, by which the system of our opponents has been defended. It has been stated, that mitigation of punishment has been tried in the case of larceny from the person—that this crime has increased—and, therefore, that the view taken by the advocate of mitigation is erroneous. I admit the fact—that the crime of larceny from the person has increased. That proves, it is contended, that the discontinuance of capital punishments is bad. But, then, every other crime has increased in an equal or greater ratio. This proves, then, that the continuance of capital punishments is as bad or worse.

It is only incumbent upon us to show, that the crime has retained its original relative situation. It may positively have increased. No matter. Other crimes also have increased. The only question that deserves one moment's consideration is this: Has the crime before us increased in a greater ratio, and with more rapidity than those other crimes in which no such mitigation has been tried? If not, our case is established. It is only necessary for us to show, that we do as well without those capital punishments as with them. Necessity can alone justify the infliction of death. But, if any minor penalty is equally effectual there is no necessity;—then, there is no right—and then, the infliction of death can be considered in no other light, and called by no other name, than that of legal murder.

Thus, then, the matter stands. The crime has increased, but not more rapidly than others of the same description. We have done as well without, as with the capital punishment. That is—our case is proved.

But, there is a second view of this part of my subject. What was the argument upon which sir Samuel Romilly urged, and upon which the House acceded to, the mitigation of the law? Was it not that the penalty was too heavy for the feelings of your people? That it prevented prosecutions and convictions? That these severities neutralize themselves; because your witnesses, your juries, your citizens, your judges themselves, cannot be prevailed upon to do their duty to so terrible a law? But, he added, abate this severity, and you will be rewarded by greater activity in the detection; by greater honesty in the conviction; and by greater certainty in the punishment of delinquents.

The result of mitigation in the instance alluded to, has been what that great man prophesied it would be. More convictions, and greater certainty of punishment have ensued. But, is it fair to turn round upon those who advocate his principles, and to urge against them the fulfilment of his prediction? It is fair to say—"See now—here are, exactly as you told us there would be, more prosecutions, and more convictions; in proportion to the prosecutions—which shows that you must be in the wrong." I say, the realization of our prediction shows that we must be in the right.

You will observe, Sir, that the mere numerical increase of the number of persons convicted of a particular offence, is by no means an absolute proof of the increase of that offence, when the penalty has been altered. In the one case, the severity of the law might be such, that out of twenty criminals, one only might be prosecuted. But, if the law became more mild, nineteen out of twenty might be prosecuted. For example—fraudulent bankruptcy—which was pun-

ishable with death. It appeared, by evidence before the committee on the bankrupt laws, that in a certain given period, there had been 38,000 bankrupts: and the highest legal authority has declared, I believe, that it was the utmost stretch of charity to suppose that only so few as nine out of ten had been fraudulent. Perhaps all these would not come within the meaning of the statute; but, no man will deny, that the number of bankrupts who were fraudulent in the eye of the law, and therefore liable to death, was very enormous. How many had been convicted in the same period? By the official return the number is, if I mistake not, three. But, when the law has so been mitigated, that all creditors and all assignees may be disposed, by a sense of interest, or a sense of duty, to prosecute, the number in an equal period may not be two or three, but as many thousands. Here would be an increase of prosecutions, which would imply any thing rather than an increase of crime. The argument which I have thus illustrated by the case of bankruptcy, applies with even more cogency to the case of larceny from the person; because there was at least as much indisposition to prosecute the man who privately took twelve pence from your pocket, as the man who was guilty of defrauding you to a considerable amount. I am entitled, then, to an abatement from the number of persons who appear by the calendar to have been convicted of this offence, equal to the number of those who, under the former rigour of the law, would not have been prosecuted, or if prosecuted, would not have been convicted.

But, there is a third and a still more important view of the subject: and one which it seems astonishing to me should have escaped any legal gentleman. You will perceive, Sir, that two offences, very different in themselves, in their ordinary interpretation and in their legal character, are confounded together. The old law ran thus—"Guilty of stealing privately." It now runs, "Guilty of stealing." Now, that word "privately" is by no means a word of superfluity—of supererogation. It is a word of great importance, and upon its construction have depended the lives of hundreds. It has released men from gaol—it has opened the prison doors—it has uncoiled the rope from the neck of many a criminal, who, but for that potent word, would have been doomed to death. The House will not forget the ingenious dilemma to which juries formerly had recourse, when they determined to save the life of a criminal. The case, we will say, was proved: his guilt was unequivocal; and it only remained to be ascertained, whether or not the act was done privately. If the prosecutor's attorney attempted to do this by clear and positive evidence, the jury would have it, that the very strength of the evidence proved, not the privacy, but the publicity of the act. If, on the other hand, he attempted to prove it by indirect and circumstantial evidence, the jury took care to recollect that the life of man was at stake, and that nothing would justify his conviction but the most undeniably direct evidence; and so they would acquit him of the capital part of the offence. But I need not press this point any farther. It is clear, that here are two offences. In the one, the number is restricted to those only who are guilty of stealing privately: in the other, no such restriction is found: consequently, no such reduction of number. And, can it be a matter of surprise, that more persons are now guilty of stealing than were formerly guilty of stealing privately?

So, then, if the numbers stated in the calender be correct, they prove only, that this crime has increased in the same ratio with other crimes which continue capital—that is, they prove nothing upon the grand question. But, secondly, from that number, as declared by the calendar, I am entitled to considerable abatements: first, on the score of increased willingness to prosecute; secondly, on the score of the term "privately;" and I feel the fullest persuasion, that could the number which ought to be abated on these grounds be ascertained, it would really show, in this instance, a reduction of the crime since the law ceased to be capital.

Having thus dissected the only experimental fact which, as far as I know, has ever been alleged against us, I shall now submit to the hon. and learned gentleman certain other facts, upon which, in some degree, my opinion has been formed, and to which I invite the particular attention of that learned gentleman, or any other learned gentleman who may follow him.

About the same time, two experiments were made in criminal legislation; and, had they been intended as experiments by which the soundness of the principles of sir Samuel Romilly should be tried, a

test more sure and more conclusive could not have been invented. In the one case, we proceeded from lenity to rigour: in the other, from rigour to lenity. In the one, an offence previously punishable with fine, was made felonious: in the other, a crime previously punishable with death, was reduced to a transportable crime. Here, then, principle is opposed to principle—system to system—and the result is before us, in the most unquestionable and parliamentary shape.

We proceeded from lenity to rigour, for the protection of the excise. The offence of forgery, with respect to certain stamps, was, prior to the year 1807, punished only with fine. It was then raised into a felony. And the question is, with what effect? The committee called before them a witness who is, and, what is better, who will be admitted by the hon. and learned gentleman himself to be, entirely unexceptionable—one who had no interest to serve, by concealing or distorting the facts which had come to his knowledge, and who was too respectable to be led by any consideration to do so.—A legal officer of the Crown, the solicitor of the excise, is the individual to whom I allude. What could be more fair, than to ask the solicitor of the excise his opinion of the effect of this augmented severity? Mr. Carr answered, that that change was a change for the worse—that the excise was better protected by your former [illegible] than by your late rigour—and he [illegible], for the purpose of showing that his observations apply not only to the particular case, but generally, that "whenever it is attempted to secure the excise, by making breaches of the revenue law crimes, it is the fraudulent trader who is protected, and not the revenue." But we next asked, what was Mr. Carr's reason for thinking thus? His reason was, he told us, that he had observed that the officers would rather connive at the offence, than expose themselves to the pain and to the obloquy of bringing the offender to justice. The crime, by the confession of Mr. Carr, has not abated; but, by an official return which he presented to us, it appears that the prosecutions have abated more than one-half. In the twelve years previous to the alteration of the law, out of twenty-one tried, nineteen were convicted. In the twelve years subsequent, there had been, out of nine prosecutions, only three convictions. The remainder had been acquitted, or had escaped—that is, in point of fact, there had been at least an equal number of crimes, but not half the number of prosecutions, and three times the number of acquittals. Now, I do not know what impression this fact may make upon the hon. and learned gentleman; but to me it is conclusive. A trader is disposed to defraud the excise—he sees, in the one case, almost all who make that fraudulent attempt discovered and punished. In the other case, he sees almost all who make that attempt pass undetected or unpunished. Can any man doubt the result? Can any man fail to agree with Mr. Carr, that your severities increase crime, and operate to the protection, not of your revenue, but of the fraudulent trader?

Sir, I attach the highest importance to the evidence of the solicitor of the excise. It is perfect in its kind. The facts he must know. His station, on the one hand, his character on the other, protect him from the suspicion of having mis-stated those facts in our favour. Had I—or had my hon. and learned friend near me, the author of the present bill, ventured to avow such opinions, we know our answer: We expose ourselves to the old charge of enthusiasm. But, is the solicitor of the excise an enthusiast? Can he be charged with heinous philanthropy? Fourteen years spent in the rugged duties of the excise—in the daily detection of knavery and chicanery, and all the base and abject arts which the worst side of human nature can exhibit, are labours from which no man has ever emerged a romantic enthusiast. He may come from them—he has come from them—a man of honour and a man of feeling: but they are little calculated to clothe him with feelings of sickly sensibility, or to teach him too generous an estimate of the frailties of mankind. And yet, Mr. Carr, with more experience upon this part of the subject than any living man, insists upon it, that severity defeats its own purpose. Nay, he went further than myself, or any other member of the committee; for he declared, that he had observed that pecuniary penalties, when excessive, defeat their own purpose; and that repeatedly the fraudulent trader had proposed the most aggravated penalties—that he, the solicitor of the excise, had found it his duty to oppose them, because he knew, from experience, that when penalties cease to be moderate, they cease to be operative.

But, the most curious part of the case is, that I understand, and from authority which I cannot doubt, that the commissioners of the excise had determined last session (and were deterred only by that event which diverted the attention of the country from all other considerations) upon bringing in a bill for taking off the penalty of death from all crimes connected with the excise, which are not attended with violence. Now, Sir, I presume that before long, the hon. and learned gentleman, the attorney-general, will introduce this bill; and I cannot express the satisfaction with which I shall hear him stating, but with much greater power, the facts which I have stated—arguing, with happier eloquence, the opinions with which I have now been long troubling the House—lamenting our perseverance in a system, which protects not the excise, but the fraudulent trader—and inviting the House to depart from a course, at once so harsh and so ineffectual. But, until that happy hour arrive, when the powers of the hon. and learned gentleman shall be so well employed, the House must be contented with my statement of the case—or rather, with Mr. Carr's statement of the facts, which so long experience had taught him; namely, that rigid laws defeat your purpose, disappoint your expectations, and encourage the crimes that they are intended to repress, by the impunity they occasion.

But, then another experiment was tried, very different in its nature; and, I rejoice to say, as different in its effects. About the year 1811, the linen bleachers of England and Ireland found their property peculiarly exposed to depredation. This they ascribed to the impunity with which that crime was committed; and that impunity to the reluctance to prosecute; and that reluctance to the severity of the law. They therefore came to parliament praying for protection, and intimating that that protection would be found in a mitigation of the law. That prayer was conceded. In this House, cheerfully. In another place, acquiescence was granted somewhat in the same spirit in which the satirist describes the deities of old as yielding to the foolish importunities of their votaries:

> "Evertere domos totas, optantibus ipsis
> Dii faciles."

And here it was determined to punish those romantic petitioners with the fulfilment of their prayer, and to inflict upon them the penalty of conceded wishes.

With what effect? Among the official returns appended to our report, gentlemen will find a return of the number of persons tried and convicted of this offence in the county of Lancaster—the county in which this species of trade is principally carried on. This return is for twenty years, thirteen of which were prior, and seven subsequent to the mitigation of the law. Of these seven, I take no notice of the two first; because it is plain that no conclusion can be drawn from the immediate effect of the alteration of the law. Where the penalty is mitigated you must expect always an apparent, sometimes a real increase of trials—always an apparent, because those who did not prosecute before, now prosecute; and are found to do so, perhaps, with more severity than others, for the purpose of showing that their previous abstinence originated in principle, and not in any selfish consideration. Sometimes a real increase is also to be anticipated; because those who are in the habit of committing this species of offence know only as yet that the penalty is mitigated, and have not learned from experience—the only instructor to whom they will listen—that that mitigation brings with it a greater certainty of punishment. I shall, however, enter into a comparison, of which no man will deny the fairness. I take the first five [illegible] during which the crime was capi[illegible] compare them with the last five, [illegible] during which it was not capital. Now, if I prove that this offence has increased, but only in the same proportion with other offences, I prove my point, for the reasons which I have already assigned. But, if I go a step further, and prove that, while all other crimes have increased, this alone has remained stationary, à fortiori I prove my point: but, what if I go a step, and a very great step further, and prove that, while all other offences have increased with the most melancholy rapidity, this, and this alone, has decreased as rapidly—that there is one only exception to the universal augmentation of crime, and that one exception the case in which you have reduced the penalty of your law—if I do this, and upon evidence which cannot be shaken, have I not a right to call upon the noble lord opposite, and upon his majesty's ministers, either to invalidate my facts, or to admit my conclusion?

Well, then! All other crimes have increased in the county of Lancaster. That is my first position.

During the first five years,	*During the last five years,*
Highway Robbery 31	77—The number more than doubled.
Burglary 30	108—The number more than trebled.
Horse-stealing 7	31—The number more than quadrupled.
Stealing in Dwelling-houses 4	45—The number increased more than eleven-fold.

Then we come to the offence of stealing from bleaching-grounds, and we find 28 in the five first years, 9 in the five last, that is, the offence has decreased two-thirds. But we have always contended, that by reducing the penalty, you augment the certainty of conviction. Is any thing of this kind observable? It appears, by the official returns, that during the former period at least one-third were acquitted—and it appears also, that during the latter period there has not been one single acquittal.

I must confess, that I was surprised at this result—that it exceeded my expectation; and I felt anxious to ascertain what had been the effect in Ireland. I therefore addressed a letter to a gentleman of the name of Hancock of Lisburn, with whom I had no personal acquaintance, and of whom I knew no more than that he was a gentleman of great respectability, who had invested a considerable sum of money in this species of trade. His answer was, "that though from the general increase of crime, arising from the peculiar state of these countries, bleach-ground robberies have not latterly diminished, yet that the change of punishment of death has not had the smallest tendency to increase this particular crime; but, on the contrary, convictions have been in much greater proportion than under the old law. Prosecutors now act vigorously; witnesses give their testimony willingly; and especially jurors, relieved from the compunctious visitings of nature, feel grateful for the relief, and willingly return verdicts of condemnation, when death is not the consequence." He then goes on to say, "it is worthy of observation, and tends to shew the benefit of the change in the law, that convictions have multiplied so greatly since 1811. In my opinion, the protection to bleach-grounds is much increased, and things probably would have been much worse under the old law, owing to the greater number of culprits who would have escaped."

This, though satisfactory, was not conclusive. But I have since received from Mr. Walter Bourne, clerk of the Crown, a return of the number of committals and convictions for bleach-ground robberies on the north-east circuit of Ulster, for twenty years; and with it I pursue the same method as with the returns from Lancaster. I take the five first years, and compare them with the five last; and these are the results:

	First five years during which the Offence was capital.	*Last five years during which the Offence was not capital.*
Antrim	24	18
Armagh	11	4
Down	15	12
Lowth	4	5
Monaghan	7	3

But here returns the question: has any greater facility of conviction resulted from a mitigation of the law? It has. While the law was rigid, it was hardly possible to prove a conviction. Out of sixty-two persons committed, fifty-eight or fifty-nine had not been convicted. But since that alteration, though the number of trials have decreased nearly one-half, the number of convictions have increased five-fold.

If these facts stood alone, they would be sufficient for our cause—they would be sufficient to justify the importunity and the confidence with which we urge upon government the duty of mitigating the law. But, couple them with the fact, that the real decrease of crime is much greater than the apparent: because, all who are now detected are prosecuted; whereas, formerly, by the declaration of the petitioners, there were few prosecutions and fewer convictions. Couple it also with the fact, that this calculation is formed upon a period of change from war to peace—every where productive of distress; but no where more than in Lancashire, and in the north of Ireland—every where productive of crime; but no where more than in Lancashire, and the north of Ireland. I say, consider the change that has taken place under all its circumstances and all its bearings, and then let the noble lord opposite tell me—if he will look at this question, not as a question of party politics, but as one in which life on the one hand, and the best interests of the community on the other, are intimately interwoven—whether, with the information before his eyes which has now been produced—with the facts in the north of Ireland and in Lancashire in full view—whether, to his conscience and

to his country, he can justify the indiscriminate application of the punishment of death, according to the present penal code? If he will not yield to us, he is bound to show what evil has resulted from the mitigation of the law in the case before us—what detriment has been sustained by the community at large, or by any one of its members, under this milder system. No man, and least of all the noble lord, would justify severity for the sake of severity; or would love executions in the abstract. We have dispensed with them in one case; and the consequence is, fewer crimes—greater security to property. Shall we stop there?

The hon. and learned solicitor-general has so expressly excluded from his consideration this day, larceny from the dwelling-house, that I hardly feel it fair to enter upon that topic. But as to forgery, on which it is said our evidence is not sufficient. Look, then, at that evidence—at the multitude of cases in which offenders of that description appear to have escaped, and only by the severity of the law; and couple with these facts, the consideration, that bankers are naturally averse to a public profession of their disinclination to prosecute—and the last thing I should have expected from the hon. and learned gentleman was a charge of insufficiency of evidence! But, if he thinks the evidence on our side insufficient, what thinks he of the evidence on his own side? "Nothing," says the hon. and learned gentleman, "is more important, than to justify the existing law to the public at large—nothing more dangerous than to allow that law to be disparaged." Yet, day after day, week after week, do the hon. and learned the attorney and solicitor-generals, and many other gentlemen closely connected with government, hear evidence directly impugning the justice, the expediency, the humanity of the law as to forgery—and never once do they venture to produce a single witness, who utters a single sentiment, or a single sentence, in its favour. But, independently of the opinions of bankers, merchants, and traders, which stand upon record in our evidence, there is the melancholy history of the punishment of forgery in this country; and, I know nothing which reflects so deep a disgrace on our national humanity. For a multitude of years, every wretch who was overtaken by the law, without regard to age or sex or circumstances in extenuation, was consigned to the hang-man. No pity—a pride rather in inexorable and unbending severity—the very feelings of our nature, the very quality of mercy, seem utterly to have been forgotten. And, what then? You accomplished your object, no doubt: by dint of such hardness, you exterminated the offence as well as the offenders: forgeries, of course, ceased in a country under such a terrible method of repressing them. No! but they grew, they multiplied, they increased to so enormous an extent —victim so followed victim; or rather one band of victims was so ready to follow another—that you were absolutely compelled to mitigate your law, because of the multitude of the offenders—because public feeling, and the feelings of the advisers of the Crown, rebelled against such continual slaughter. It is not to be forgotten, that the law was substantially mitigated with regard to forged bank notes, because the number of offenders had so increased. Then, sir, am I not justified in provoking the noble lord to meet me upon the subject of the decrease of one species of crime—following a decrease in its legal punishment—and to demand from him, either that he should invalidate my facts, or admit my conclusion? Have I not also a right to cast myself upon the House, and to implore them no longer to continue so desperate and so unsuccessful a system? And, at the expense of their time, to lay side by side the two cases—forgery and stealing from bleaching grounds—both offences only against property—both unattended with violence? In the one, we have tried a mitigation of the law, and have succeeded beyond our most sanguine expectations—in the other, we have tried severity to the utmost extent—and, to the utmost extent, it has failed. Well then: Are we not bound—I will not say by our feelings, or by tenderness for life—but by every principle of reason and equity; —of common sense and common justice; to discontinue a system which has so utterly failed, and to embrace a system which has been so eminently successful? The hon. and learned gentleman has done himself credit by declaring—and the noble lord by confirming the declaration —that they wished to have this great subject argued on its own merits, and not as a party question. I call upon them now to act up to this declaration. And, if our governors will look at this

question with an honest determination to do their duty, whatever their duty may be on the subject, I do not doubt that they will perceive, that every principle of policy, humanity, and common sense, will be found combining and concurring to recommend the abandonment of a defective and inoperative system, and the substitution in its place, of one which experiment and practice have proved to be effectual.

Although the length at which I have already troubled the House, and the abundance of facts to which I must still call their attention, forbid me to go at large into much historical detail, I have now to observe, that history throws much curious light on the subject of criminal jurisprudence; and I may safely challenge the learned and hon. gentleman opposite to produce from the history of all times and all nations, an instance in which a country was at once remarkable for the rarity of its crimes, and the severity of its punishments. I have considered this part of the subject with much attention; and I have invariably found the inverse of this proposition to be true. Abstaining, then, from going at large into this subject, there are one or two facts connected with our own history, to which I desire to advert.

First, the reign of Henry the Eighth—a reign remarkable for the abundance of its crimes, which certainly did not arise from the mildness of its punishments. In that reign, says his historian, 72,000 executions took place for robberies alone—(exclusive of his religious murders), amounting, on an average, to six executions a day, Sundays included, during his whole reign. What was the effect of the barbarous severity of the law? Did it do that for which it was designed? Did it prevent crime? Upon that point, sir Thomas More is no bad authority. He introduces into his works, a dialogue between himself and a lawyer. The lawyer applauds the severity of the law, and exults in the fact, that he had himself seen twenty executed upon the same scaffold. But he concludes by confessing, that it was a little difficult for him to explain how it happened, that "While so many thieves were daily hanged, so many still remained in the country, who were robbing in all places."

It may be supposed, that these severities would at least have succeeded at the conclusion of his reign, and that he would at length have exterminated the race of robbers. There is, however, in existence, in Strype's Annals, a letter from a magistrate of Somersetshire to the lord chief justice in the reign of queen Elizabeth. This letter gives an account of the state of society in Somersetshire during "The glorious days of good queen Bess;" and such an account as may make us all rejoice that those "glorious days" have long since passed away. The magistrate writes thus:—"I may justly say, that the able men that are abroad, seeking the spoil and confusion of the land, are able, if they were reduced to good subjection, to give the greatest enemy her majesty hath a strong battle, and, as they are now, are so much strength to the enemy. Besides, the generation that daily springeth from them, is likely to be most wicked. These spare neither rich nor poor; but, whether it be great gaine or small, all is fish that cometh to net with them; and yet I saie, both they and the rest are trussed up apace." But, what was the reason criminals so abounded at that time? The same magistrate, very undesignedly—for he is a strong advocate for the severity of the law, and calls the statute for the execution of gypsies, "that godly edict"—lets us into the secret. He says: "In which default of justice, many wicked thieves escape. For most commonly the most simple countrymen and women, looking no further than to the loss of their own goods, are of opinion that they would not procure any man's death, for all the goods in the world." This conveys a striking picture of the state, both of the law and of the country, at that time. It appears, that the people would not prosecute, and it also appears, that magistrates could not be found to act.

Perhaps the House will permit me to read to them a remarkable passage upon the state of the law, in a speech which queen Elizabeth directed to be made to her parliament; especially as the sentiments of her majesty are conveyed to this House in language somewhat more rhetorical than that to which we are accustomed in these degenerate days:—"A law without execution is but a body without life, a cause without an effect, a countenance of a thing, and in deed nothing: pen, ink, and paper, are as much towards the governance of the commonwealth, as the rudder or helm of a ship serveth to the governance of it without a

governor, and as rods serve for correction without hands. Were it not mere madness for a man to provide fair torches to guide his going by night, and when he should use them in the dark to carry them unlight? Or for one to provide fair and handsome tools to prune or reform his orchard or garden, and to lay them up without use? And what thing else is it to make wholesome and provident laws in fair books and to lay them up safe, without seeing them executed? Surely, in reason there is no difference between the examples, saving that the making of laws, without execution, is in much worse case, than those vain provisions before remembered; for those, albeit they do no good, yet they do no hurt: but, the making of laws without execution, does very much harm; for that breeds and brings forth contempt of laws, and law-makers, and of all magistrates: which is the very foundation of all misgovernance, and therefore must needs be great and heinous in those that are the causers of this; indeed, they are the very occasions of all injuries and injustice, and of all disorders and unquietness in the commonwealth."*

And yet that queen, notwithstanding her loud complaints of the non-execution of her laws, contrived to execute more than five hundred criminals in a year; with which number she was so little satisfied, that she threatened to send private persons to see her laws executed, if the members would not execute them. Her words are remarkable—"Which if they shall forget to do" (that is, the Commons forget to execute the laws), "her majesty shall be then driven, clean contrary to her most gracious nature and inclination, to appoint and assign private men, for profit and gain's-sake, to see her penal laws to be executed."† It appears that her majesty did not threaten in vain; for, soon after this, a complaint was made in parliament, that the stipendiary magistrate of that day was "a kind of living creature, who, for half-a-dozen of chickens, would dispense with a dozen of penal statutes."

I make this reference to the reigns of Henry and Elizabeth, to show the inefficacy of extreme severity of punishments; and I will contrast the effect of that severity with the result which attended the reformation and mitigation of the laws by Alfred. He came to the throne, as we all know, at a time when the country was over-run by a foreign invader, and remarkable for the licentiousness with which crimes were committed; and yet, says his historian, "Such was the general security throughout the country towards the conclusion of his reign, that a child could walk from one end to the other with a purse of gold around its neck in perfect security." By whatever means this great and happy change was effected, it certainly was not by severity; for Alfred abolished the penalty of death, except only for treason and murder.

As for more modern times, the example of Tuscany is directly in point, where the duke, after trying for some years the effect of a more lenient system, solemnly records, in his celebrated edict, the result of his experiments:—"Since our accession to the throne of Tuscany, we have considered the examination and reform of the criminal laws, as one of our principal duties; and having soon discovered them to be too severe, in consequence of their having been founded on maxims established, either at the unhappy crisis of the Roman empire, or during the troubles of anarchy; and particularly, that they were by no means adapted to the mild and gentle temper of our subjects; we set out by moderating the rigour of the said laws, by giving injunctions and orders to our tribunals, and by particular edicts abolishing the pains of death, together with the different tortures and punishments, which were immoderate, and disproportioned to the transgressions, and contraventions to fiscal laws: waiting till we were enabled, by a serious examination, and by the trial we should make of these new regulations, entirely to reform the said legislature.—With the utmost satisfaction to our paternal feelings, we have at length perceived, that the mitigation of punishments, joined to a most scrupulous attention to prevent crimes, and also a great dispatch in the trials, together with a certainty and suddenness of punishment to real delinquents, has, instead of increasing the number of crimes, considerably diminished that of the smaller ones, and rendered those of an atrocious nature very rare: we have therefore come to a determination, not to defer any longer the reform of the said criminal laws."

I pass over the example of France;

* New Parliamentary History, Vol. 1, p. 769. † Ibid., vol. 1, p. 807.

though the law in that country has been greatly mitigated, and, by the confession of all men, with the best effect.

But one word upon the memorable example of America. In America, about five-and-thirty years ago, the principles which we are now advancing were recommended, under the auspices of Benjamin Franklin. The experiment was tried in the state of Pennsylvania, and the punishment of death was restricted to wilful and premeditated murder only. But, how was it then carried in their assembly? By a very small majority—denominated in the very act, an experiment—limited to five years duration—and opposed by the authority of all the judges, one only excepted. The allotted period elapsed—and, what was the effect? That the act passed—unanimously—as a permanent measure—not as an experiment, but a truth sanctioned by indisputable fact, and with the concurrence of all the judges; who had, I understand, the magnanimity to declare, the total alteration which their opinions had undergone, from the extraordinary success which attended the experiment. This is the first part of the act, which abolishes death in all crimes, except premeditated murder:—

"An Act for the better prevention of crimes, and for abolishing the punishment of death in certain cases.—Whereas the design of all punishment is to prevent the commission of crimes, and to repair the injury that hath been done thereby to society, or the individual; and it hath been found by experience that these objects are better obtained by moderate, but certain penalties, than by severe and excessive punishments; and whereas it is the duty of every government to endeavour to reform rather than exterminate offenders, and the punishment of death ought not to be inflicted where it is not absolutely necessary to the public safety: Therefore, Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by authority of the same, that no crime whatever, hereafter committed, except murder of the first degree, shall be punished with death in the state of Pennsylvania."

One of the judges published a minute detail of the comparative state of crime in America, prior and subsequently to the alteration of the law; and I state, upon the authority of this judge, published at a period when any error, if it had existed, must have been discovered, that crimes, and especially crimes of enormity, had decreased; but that, in a given number of persons tried, the number of convictions had nearly doubled. He also states a fact curious enough, as affecting the very question before us. In Pennsylvania, where the punishment for forgery was mitigated, the crime had decreased: In New York, where there had been no such mitigation, the crime had gone on increasing. He mentions a number of other curious facts, all bearing upon the subject now at issue. In one of the states, the farmers, in consequence of their heavy losses from horse-stealing, petitioned the legislature to protect them more effectually, by enacting the penalty of death for the offence. Their request was complied with. But, so inefficient was the result, that the very same parties afterwards prayed for a commutation of the penalty, alleging, that this severity generated a reluctance to prosecute, and that reluctance reproduced the crime. Again their request was attended to, and the crime was found to decrease.

Without adverting to particular facts, there is one circumstance which, far more than the opinion of the judges, or the practical experience of any individuals, confirms these opinions. The doctrine of the greater efficiency of a mild law, repudiated as it was at first in Pennsylvania, has won its way, by its own strength, through, I believe, every one of the United States; and opinions which, forty years ago, were deemed theoretical and extravagant, are now universally received and acknowledged as indisputable truths, throughout the whole of that great republic in which they have been tried. If this be not experimental truth, what is?

I shall conclude my observations upon this practical part of the subject, with one single remark—crime has increased in England, as compared with every other country—as compared with itself at former periods. Now, what species of crime has increased? Those atrocious acts of violent robbery and murder which, in all times and in all countries, have been punished with death? By no means. These have decreased. Where, then, has the augmentation taken place? Precisely in those lesser felonies which are capital now, but were not formerly—which are capital in England, but in no other country—that is, we differ from ourselves in

former times, and from our neighbours at the present moment; first, by our peculiar treatment of certain offences; and, secondly, by the multiplication of those very offences under that very mode of treatment.

Having thus released myself from the practical part of the subject, I shall now endeavour to dislodge the gentlemen opposite from another position in which, very unaccountably, it is sometimes thought they are safely intrenched. There are persons, and not a few, and some of them lawyers, who are attached to our code, simply on the ground of its extreme antiquity—who contend, that a system which has sprung from our earliest ancestors, and which has therefore the stamp and warrant of so many ages, which has been handed down, century by century, from father to son, must therefore be wise in principle, and politic in practice. There are such gentlemen. And, from some experience, I can say, that you may ply such reasoners with proofs of the inequality of the law—the inefficiency of the law—the prevalence of crime under it. No matter. They are deaf to such representations; because their reliance is implicitly placed on the good, old, tried, beloved common law!

Such gentlemen will be surprised to find, that our present code forms no part of the common law at all. Nay, that distance cannot be greater, nor contradiction stronger, than between that code and that common law—and that this very code is the rankest innovation that ever was made on the principles of the old law. But, let me not be misunderstood. I grant that the whole machinery of the law—the organization of the tribunals, the publicity of the proceedings, the rules of evidence, the trial by jury, are alike unquestionable for their value and their antiquity. But, the laws thus administered—are they to be approved for their antiquity? Certainly not. They are absolutely modern; and, happily for me, this assertion requires, in its support, no ingenuity of argument: it is matter of fact and record. The hon. and learned gentleman knows that we have the codes of our earliest ancestors; and that in those codes no such severity is to be found. For example—we have the code of Alfred. That monarch, after recapitulating all the crimes, which were punishable with death under the Jewish law, repeals them all, as suitable to the austerities of the Jewish ritual, but utterly inconsistent with the mercies of the Christian dispensation. These are his words: "After it had come to pass that many natives had received the Christian faith, many synods of holy bishops, and eke of other notable and wise men were gathered together in all parts of the earth. In England also, when this nation had received the faith, they, for the mercy which Christ had taught towards the greatest of misdeeds, determined that the lords of the world might, with their leave, and without sin, receive such compensation in money, as they had then appointed, for the most heinous crimes, except for treachery towards a lord, to which they durst show no mercy."*

But, so deeply was this system of judicial clemency engraven on the character of the nation, that the Danes, overturning almost all Anglo-Saxon institutions, retained this paucity of capital punishments. We have the code of Canute, which commences with these remarkable expressions:

"This is the secular enactment, which, by the counsel of my wise men, I ordain to be observed over all England:

"On showing Mercy in Judgement.

"We desire, though any man sin, and deeply involve himself in iniquity, yet that his punishment be moderate, so that it be merciful before God, and tolerable in the sight of man; and let him who giveth judgement, consider what he himself desireth when he prays thus: 'Forgive us our trespasses as we forgive them that trespass against us.' And we forbid that Christian men should be condemned to death on any slight cause. Let discipline be freely administered for the benefit of the people; but let not men, for a little cause, destroy the handy work of God, and the purchase of Christ so dearly bought."†

Again—

"On showing Mercy

"And if any one heartily turn again from wickedness to righteousness, let men show mercy, for the fear of God and as best he may, to him who is earnest for the same."‡

But, the most remarkable proselyte that ever was gained to these doctrines was William the Conqueror. He either

* Leges Alfredi. Wilkins, p. 33.
† Wilkins, p. 133. ‡ Ibid. p. 143.

was a bloody and merciless tyrant, or he is very little indebted to his biographers. He is described by the Monkish Chronicles as hating the natives; but, "he made large forests for the deer, and enacted laws therewith, so that whoever killed a hart or a hind, should be blinded. As he forbad killing the deer, so also the boars; and he loved the tall stags, as if he were their father." I mention these things, to show that, terrible as he was to his subjects, yet the savageness of his temper yielded to the prevalent doctrines of his age; for he concludes both his codes, one issued at the commencement, and one towards the conclusion of his reign, with these words: "I prohibit that any man should be put to death for any cause whatever."

I need not go farther than this. I take the three most distinguished law-givers of the Anglo-Saxon, the Danish and the Norman line; and their coincidence demonstrates, that British law, in its origin and source, was peculiarly merciful and tender of human life. If I needed any further authority, I might refer to my lord Coke, who tells us, that most of our capital enactments are by statute. I might also refer to Blackstone, who, recapitulating the great changes which have taken place in this country, thinks none greater, and intimates that he thinks none more to be lamented, than the change from the great mercy of our old law to the extreme severity of our modern law. There is, however, one authority to which I must advert, both as confirming all my arguments, and establishing the facts on which I depend. I might also be excused for introducing it, on account of the peculiar felicity of the language in which it is conveyed. Sir Henry Spelman says: "Animadverte autem in quantam asperitatem ex rerum temporumque vicissitudine, lex antiqua abripitur. Quod enim aliquando 12 venis denariis, hodie sæpe 20 solidis imo 40 vel pluris est. Nec vita hominis interea carior sed abjectior." He then proves his position, namely, that while all other things have grown dearer, the life of man is estimated at a lower rate by us than by our ancestors, and he concludes with these words: "Justum certe est, ut collapsa legis æquitas restauretur, et ut divinæ imaginis vehiculum quod superiores pridem ætates ob gravissima crimina nequaquam tollerunt levioribus hodie ex delictis non perderetur." If sir Henry Spelman said this, when the number of our capital offences was under fifty, may not we, with a code crowded with two hundred and thirty denunciations against human life, repeat, "Justum certe est, ut collapsa legis æquitas restauretur?"

Gentlemen are now, I suppose, inclined to admit, that whatever other merits our criminal law may possess, it has not the recommendation of extreme antiquity; and may be disposed to ask, what is the real age of the law? Why, the truth is, the greater part of it has no antiquity at all. It has not that antiquity upon which any common right could be established—a common foot-path, or a hovel upon a waste, could not stand upon so recent a title. It has not existed "time whereof the memory of man runneth not to the contrary." Men there are living, at whose birth our code contained less than seventy capital offences; and who have seen that number more than trebled. It is a fact, that there stand upon our code one hundred and fifty offences, made capital during the last century. It is a fact that six hundred men were condemned to death last year upon statutes passed within that century. And it is also a fact, that a great proportion of those who were executed, were executed on statutes thus comparatively recent.

But, there is no need of multiplying instances. The fact is as clear and certain, as fact can be clear and certain. The old law and the modern are directly at variance. That is incontestible. Which is right and which wrong, may be matter of opinion; but the utter contradiction between them is matter of fact. And gentlemen may, if they please, admire our present system; but then they must admire it as a novelty; not as the old constitution, but if they please as an admirable improvement upon the principles of the old constitution—as an innovation—as a change for the better; —not, indeed, as the wisdom of our forefathers, but as (what is a much better thing) our own wisdom, our own sagacity, our own commendable improvement upon the principles of the old law of England.

That we have wrought changes in the old system of British criminal law, and, what is far more important, in the spirit and principle of that criminal law, is unquestionable. But, before I admit that this change is a change for the better—and before I admit the absolute superiority of the modern over the ancient institutions of the country, I must say a few words

as to *how* this change has been wrought—as to its authors—and it will be found, that if it cannot stand on its antiquity, it will derive but little assistance from the celebrity of those legislators to whom we are indebted for its production. The honourable and learned gentleman has adduced one proof of the close attention, and the deliberate consideration, with which the laws upon forgery had been established. And, what is this selected fact, which, above all other things, displays, in the opinion of his majesty's solicitor-general, deliberation in the enactment of these savage laws? Why, it seems that one of those laws was passed only *pro tempore*. And, upon this insignificant incident, without the slightest addition of proof of any description, does that hon. and learned gentleman clothe these laws with the credit of ample discussion and full deliberation!

Now, Sir, the truth of the case is—and the fact is singular enough—that though some records are handed down to us, of the discussions during the last century in this House, upon a multitude of points of little significance, hardly a remnant remains upon the subject of criminal law—and yet during that period, our penal code has been quadrupled. Upon an average, every year of that period was marked by the enactment of a capital offence; besides those occasions in which the legislature, as if tired of the tedious retail method of confining one capital denunciation to one statute, had heaped together—and faggotted, for that is the only term which is applicable—fifteen or twenty of such enactments in one heterogeneous mass. I remember a case in which, in the same paragraph, nineteen are thus bundled together; one of which is for a civil trespass to the value of six-pence, and another for the worst species of murder. All these acts, as far as I can learn, passed *sub silentio*, without debate, inquiry, examination, evidence, or any general interest. This absence of all discussion is in itself cogent proof of the indifference and carelessness with which these acts were passed.

But, there is proof much more conclusive. The House will excuse me for repeating an anecdote fomerly stated by my hon. and learned friend (sir James Mackintosh). I advert to it as matter of evidence; and, as evidence, it comes to us in a most authentic shape. Mr. Burke told my hon. and learned friend, that, hurrying out of these doors one night, he was stopped by the serjeant at arms, who entreated him to remain for a moment, to keep the number composing the House complete. Mr. Burke pleaded extreme haste; and the serjeant repelled that plea by saying, that the delay could not possibly exceed a few moments, for "it was only a bill for a felony without benefit of clergy."

I remember also to have heard another anecdote from an hon. friend of mine near me (Mr. Wilberforce)—sir William Meredith happened one day to go into a committee room, for the purpose of writing a letter; at one corner of which he observed a gentleman seated at a table, and seemingly asleep, to whom a clerk was reading a piece of parchment, which looked like an act of parliament. Sir William was continually interrupted by a kind of chorus, with which every paragraph concluded: "Shall suffer death without benefit of clergy." At length sir William said, "What may this heinous offence be which you are visiting with so terrible a penalty?"—"Why, sir," replied the legislator, "we country gentlemen have suffered much by depredations on our turnips—we have at length determined to put a period to the practice; and my good friend the minister has been so obliging as to allow me to make it death without benefit of clergy."

Now, I ask, sir, are laws thus recently and thus carelessly enacted, some, as lord Bacon says, "upon the spur of the occasion,"—some in moments of passion and irritation—in haste—in fear—are these laws to be called the old pillars of the constitution? Are laws thus extorted by private interest, and thus conceded to political subserviency—are these laws too sacred for revision? And, who are the persons, in deference to whom we are to put human beings to death? Any school-boy can tell you who were the legislators of the petty states of Greece; but who are the Solons and the Lycurgi to whom we are indebted for these laws? Certain anonymous gentlemen (for history retains their deeds, while their names have passed into oblivion), of whom we know nothing, but that they were the authors of a multitude of bloody statutes—and to what class of life they belonged, we can only guess, by their superiority to the ordinary prejudices of grammar and orthography.

I trust the House will pardon me for

having entered thus largely into the history of our law—the time when, the manner in which, and the personages by whom, our criminal code was formed. But, it is a matter of considerable importance, that in this respect we should stand right with the public. The old common law has been found, by experience, so full of wisdom, and somehow or other so conformable to the English character—it is regarded, and justly, with such affectionate veneration by all classes, learned and unlearned, that the House and the country would justly entertain with great suspicion any system which went to overturn that which is as dear as it is venerable. For my own part—and I am sure I may take the liberty of saying, on the part of the author of this bill—there is no human authority which would avail with us in any thing like the same degree as a conviction that the principles of that bill are at variance with that incomparable standard; but, as I should feel unfeigned distrust in any speculations of my own which had that law for an antagonist, have I not a right to gather confidence and encouragement, on finding a friend and an advocate in that pre-eminent authority?

We derive, at least, this advantage from thus tracing the chronology of the law—the cry of innovation is at an end—that imputation is for ever defunct. Those doctrines cannot be very wild, or very enthusiastic, or very new, or very speculative—nor savour much of innovation, which were the law of England in the days of Alfred—which were enacted five hundred years before our present code was invented. And here I cannot pass over one remark. It is a maxim, admitted and quoted by every lawyer—and I will venture to say, that the hon. and learned gentleman has himself quoted it a thousand times—that we never depart from the principles of the old law, and do so with impunity. In this case, we have left those principles; and it is easy to gather, from the condition of our gaols, and from the extent of our calendar of malefactors, whether or not we have done so with impunity.

I am well aware, that I have already trespassed at considerable and very unusual length on the patience of the House; but then, the reflection, that we are now debating a penalty to extend over the whole kingdom, and that penalty the last—that, literally speaking, life or death, to a multitude of persons, hangs suspended on the division of to-night, and that we are few in number compared with those who may be the victims of our decision—these considerations overwhelm every other, and determine me to submit as I hope to the indulgence of the House, certain other observations, or rather certain other facts, which are not, if I do not overrate their value, immaterial to the right decision of this question. I am ready to admit, for the sake of argument, that the severity of the law has its advantages. Let any gentleman rate these advantages at the uttermost. I ask for no moderation. I can afford for the utmost latitude of exaggeration. All I ask is, that when he has given to them the very uttermost of their value, he will then consider the price we pay for them—whether, after all, these advantages, great as he may deem them, are great enough to counterbalance the enormous price they cost us.

They cost us the concurrence of the people, that ready and gratuitous aid, which can, and besides which nothing else can, repress crime in this country. Sacrifices these, of greater value than can well be estimated!

There is no country in which public co-operation is not important to the execution of the law—not even those countries in which the people seem to be considered as nothing, and their rulers as every thing—not even in those, where the arm of the law is visible at every turn—but in England this cordiality and concurrence between the people and the law is absolutely indispensable. One presumption runs throughout the whole of our law; namely, that it will be enforced by the people. If any gentleman will consult Bracton and the "Mirrour," or indeed any early authority, he will perceive what importance is attached to that which is by them called, "the old common-law process of pursuing the felon, by horn and by voice, with the hue and cry of the whole town, from village to village, and from county to county." But, my argument rests not so much on what they did institute, as upon what they did not. They had no spies—no gens d'armes—no public prosecutor—nothing except the full co-operation of the public.

But, upon this system which, resting upon public co-operation, requires the public sympathy, we have unhappily engrafted another system, which does vio-

lence to the feelings of the nation. And here *is* the practical inconvenience. It is taken for granted, that he who can, will inform—that he who can, will apprehend—that the person aggrieved will prosecute. All this is taken for granted; and justly, so long as public feeling went along with the law; but now, a man's life is at issue—and this at once seals the lips of the man who could inform—stays the activity of him who could apprehend—pacifies the prosecutor—silences the witness—often debauches the conscience of the juryman—and sometimes even sharpens the merciful astuteness of the judge. In fact and in truth, it effects the deliverance of the felon.

Let no one suppose that this is a rare inconvenience. Not a day passes, that it is not felt and deplored in our courts. And you are fast verging to this point;—either you must have a public prosecutor—(perhaps the greatest innovation on British jurisprudence that could be devised)—or you must reconcile those to whom the duty of prosecuting is now consigned, to the discharge of that duty; and this you can do only by reconciling this law to their feelings. You must have that vexatious, meddling police, which the hon. and learned gentleman so solemnly deprecated; or you must revert to the good old English method of repressing crime, which is to be found in the hearty disposition of the public to aid and invigorate the law. The people of this country have strong feelings of humanity, and strong principles of justice; and, so long as the legislators keep within the bounds of moderation, so long the people will side with the law against the offender. But, when the bounds of reason and moderation are overstepped, as unquestionably they are in a multitude of your enactments, the feelings and the principles of the people, which ought to aid, withstand, and rebel against the operation of the law; and the very virtues of the people, their sense of true justice and humanity, which ought to be the strength of your law, go over to the enemy, investing the felon with chances of escape, and with hopes of deliverance, which would never have belonged to him, but for the severity of your law.

And, who are the auxiliaries whom you thus repel? The very persons who, of all others, you ought to secure of your side—the just, the merciful, and the conscientious. You depend upon the just man: but the just man sees, that his support is demanded to laws which violate all justice; which confound crimes the most venial and the most atrocious, by one terrible uniformity of punishment. The just man sees this, and remains inactive. You ask the merciful man to aid you. But, how can any man who loves mercy contribute to the support of laws which set the common principles of humanity at defiance? And then, the religious man. I know that I am now upon delicate ground; and that this is neither the time nor the occasion, for entering very largely upon this subject: but I may say, that the number of persons in this country, who square their opinions by the tenor of the doctrines of their faith, is very great—that it has of late years much increased; and fervently do I desire, as I confidently trust, that every year will witness its augmentation. Can you afford to lose the religious man from your service? But, you do lose him. I hazard nothing when I say, that a very religious man cannot, in many cases, be a prosecutor. He deeply feels, that his own dearest hopes depend only on the pardon which he shall receive; and he knows, that the condition on which he asks forgiveness to his own trespasses, is the forgiveness he extends to the trespasses of others. He cannot, therefore, for many crimes, call down upon his brother sinner the exterminating vengeance of the law. He cannot do so in forgery. I must here, however, guard myself from the imputation of holding that forgery is a venial offence. Quite the contrary. I deem it a high crime—one which ought to be severely punished; but not one which ought to be ranked with murder by equality of punishment.

There is no one who will deny, that the laws of the land ought to be congenial with the feelings of the people. There was a time, we may suppose, in which this happy sympathy prevailed. But that period is long passed. During the last century, they have each fled from this point of concurrence; the law in its enactments, and the people, in the tenor of their feelings, receding from each other with the utmost rapidity. The people have made enormous strides in all that tends to civilize and soften man; while the laws have contracted a ferocity, which did not belong to them in the most savage period of our history; and to such extremes of distance have they pro-

ceeded, that I do believe there never was a law so harsh as British law; or so merciful and humane a people as the British people. And yet, to that mild and merciful people, is left the execution of that rigid and cruel law!

I should say, that the inevitable consequences of such a system must be impunity of crime, even if no evidence existed upon the subject; but we have evidence in our report, as clear and as conclusive, as ever was given in any case, on which a committee of this House had sat. A laborious and a very skilful attempt has been made to discredit that evidence in a paper, remarkable for its ingenuity, which lately appeared in a periodical publication, the Quarterly Review. But, the writer of that review entirely misconceives the drift of our committee, in the evidence they took. He seems to deem it their duty, and, what is still stranger, supposes it to be their intention, to collect, upon each particular penal law, which they proposed to repeal, a large body of facts, related by a large body of witnesses, all tending to show, that, in this special instance, the severity of the law deadens its execution. Now, among a multitude of good reasons, why the committee did not adopt this course, one, perhaps, will be sufficient for the House; namely, that it was utterly impossible. The examination of some thousand witnesses, which it supposes—that examination going on for the next century, contained in volumes outstripping the very statutes themselves in bulk and number, are very final objections to this mode of proceeding. Our object was to establish certain main principles, which, if true, are decisive on the general question. In cases unattended with violence, is there or is there not, so positive a reluctance on the part of the public to give evidence and to convict, as materially impedes the course of justice? That is the question to which we sought an answer from our witnesses. We considered the case of an offender, from the moment of committing the act, to the moment of his acquittal; and then we considered, what persons of respectability had opportunities of observing the effect, upon the mind of the prisoner, and upon the mind of the prosecutor, of the severity of the law; and these persons we examined. The offender is brought before the magistrate. We summoned various magistrates—two, especially, of the police magistrates of the metropolis; who are most decisive in declaring, that the severity of the law deadens its execution. Mr. Mainwaring tells us, "I have reason to consider that very considerable reluctance to prosecute exists on the part of the public." He is then asked,—"In what crimes is this reluctance most visible?" "I think that the reluctance is most visible in capital crimes." —"Did you ever happen to ascertain what was the cause of this reluctance on their part?" "I think that in this offence as in most others where capital punishment may follow, the reluctance arises from the punishment of death being possibly consequent upon the offence."—"Have you observed that prosecutors have inquired what would be the nature of the punishment when they brought an offender before you?" "Continually,"—"And has any difference existed in their proceedings, in consequence of finding that the punishment was capital?" "Decidedly."—"Then, have they not been less ready to go forward with the prosecution, in cases where they found the punishment capital, than in cases where they found the punishment was of a less nature?" "Certainly. In such cases I have observed the disposition to prosecute to abate upon every re-examination; and have at times had considerable difficulty in compelling parties to prosecute, and have afterwards understood, from unquestionable authority, that they were determined to throw out the bill, though bound over by the magistrate. I am disposed to fear, that the apprehension of capital punishment adds in many cases to the facility of compounding felonies."—"Do you, upon the whole, believe, that if the law were mitigated, and the penalty of many offences reduced to imprisonment, with hard labour, that this would be the means of producing more frequent prosecutions?" "From the observations which I have just made, I believe that it would be the means of producing more frequent prosecutions. Punishments, to be universally operative, must be such as are in unison with the common feelings of humanity. A sense of public duty will seldom be sufficiently strong to supersede such feelings. Against crimes of an atrocious nature, the public mind will rise to the highest degree of punishment which the law can denounce. But, against those which are the result of an artificial state of society, and to the commission of which, that state has produced the

temptation, I apprehend that numbers forego prosecution altogether, and that many who do undertake it would stop short in its course, rather than arrive at its awful termination, the death of the criminal."

The depositions against the prisoners are taken by the clerks of the magistrates. These clerks we summoned:

Mr. Payne, clerk to the sitting magistrate at Guildhall.

Mr. Hobbler, clerk to the Lord Mayor, 30 years.

Mr. Yardly, clerk to the Police-Office, Worship-street, 30 years.

Mr. Thompson, clerk to the Police-Office, White-chapel, since its establishment, 26 years.

Mr. Newman, city solicitor for 30 years.

Perhaps the whole world could not afford an equal number of persons, with any thing like the same degree of experience upon this part of the subject. It is impossible for me to obtrude upon the House an analysis of their evidence. Time forbids it. But, referring gentlemen to the evidence itself, this I will venture to assert, that if any gentleman will exercise his imagination in inventing facts which would tell in our favour, and will clothe these facts in the strongest language;—the facts thus supposed, and the language thus employed, would not be stronger, than the facts actually stated, and the language actually used by these gentlemen, of so much experience and so much respectability.

But to proceed. The prisoner is committed to gaol. He is there visited by his solicitor. Now, I must call the peculiar attention of the House to the evidence upon which here we rest—Mr. Harmer's evidence. That gentleman has spent the last twenty years in the active engagements of this part of the profession. He has been solicitor to two thousand prisoners; admitted to their confidence; acquainted with their secrets; and has had a full opportunity of observing the effect produced upon their minds by the existing law. Again, of late years he has been solicitor for almost all prosecutors; admitted, in the same way, to their secrets; seeing the influence of the law upon their conduct: and he comes from all this experience, with the most undoubting conviction, that the severity of your law generates crime.

He is asked, "Have you any observations to make, with respect to the effect of capital punishment?" "I have; first as to forgery; it appears to me, that the punishment of death has no tendency to prevent this crime. I have, in many instances, known prosecutors decline proceeding against offenders, because the punishment is so severe. Instances have come within my knowledge, of bankers and opulent individuals, who, rather than take away the life of a fellow-creature, have compromised with the delinquent. Instances have occurred of a prosecutor pretending to have had his pocket picked of the forged instrument; in other cases, prosecutors have destroyed, or refused to produce it, and when they have so refused, they have stated publicly that it was because the person's life was in jeopardy. I will relate a very recent circumstance that occurred under my observation at the Old Bailey. A person, through whose hands a forged bill had passed, and whose appearance upon the trial was requisite to keep up the necessary chain of evidence, kept out of the way to prevent the conviction of the prisoner; it was a private bill of exchange. I also know another recent instance, where some private individuals, after the commitment of a prisoner, raised a thousand pounds for the purpose of satisfying some forged bills of exchange; and they declared, and I have good reason to know the fact, that if the punishment had been any thing short of death, they would not have advanced a farthing, because he was a man whose conduct had been very disgraceful; but they were friends to the man's family, and wished to spare them the mortification and disgrace of a relative being executed, and therefore stepped forward and subscribed the before-mentioned sum. I have frequently seen persons withhold their testimony even when under the solemn obligation of an oath to speak the whole truth, because they were aware that their testimony, if given to the full extent, would have brought the guilt home to the parties accused; and they have therefore kept back a material part of their testimony. In all capital indictments, with the exception of murder, and some other heinous offences, I have often observed prosecutors show great reluctance to persevere, frequently forfeiting their recognizances; and, indeed, I have, on many occasions, been consulted by prosecutors as to the consequences of refusing to conform to their recognizances.

"When you speak of the cases of murder and other heinous offences, do you mean offences accompanied with violence to the person, or which are likely in their consequences to inflict serious injury"? "Certainly; those are the offences to which I allude; I know that many persons who are summoned to serve as jurymen at the Old Bailey, have the greatest disinclination to perform the duty, on account of the distress that would be done to their feelings, in consigning so many of their fellow-creatures to death, as they must now necessarily do, if serving throughout a session; and I have heard of some, who have bribed the summoning officer to put them at the bottom of their list, or keep them out altogether, so as to prevent them from discharging this painful duty; and the instances I may say are innumerable, within my own observation, of jurymen giving verdicts, in capital cases, in favour of the prisoner, directly contrary to the evidence. I have seen acquittals in forgery, where the verdict has excited the astonishment of every one in court, because the guilt appeared unequivocal, and the acquittal could only be attributed to a strong feeling of sympathy and humanity in the jury to save a fellow-creature from certain death. The old professed thieves are aware of this sympathy, and are desirous of being tried, rather on capital indictments than otherwise. It has frequently happened to myself, in my communications with them, that they have expressed a wish that they might be indicted capitally, because there was a greater chance of escape. In the course of my experience, I have found that the punishment of death has no terror upon a common thief; indeed, it is much more the subject of ridicule among them, than of serious deliberation: their common expressions amongst themselves used to be, 'such a one is to be twisted,' and now it is 'such a one is to be top't.' The certain approach of an ignominious death does not seem to operate upon them; for after the warrant has come down for their execution, I have seen them treat it with levity. I once saw a man, for whom I had been concerned, the day before his execution, and on my offering him condolence, and expressing my sorrow at his situation, he replied, with an air of indifference 'Players at bowls must expect rubbers.' Another man I heard say, that 'it was only a few minutes, a kick and a struggle, and it was all over; and that if he was kept hanging for more than an hour, he should leave directions for an action to be brought against the sheriffs and others; and others I have heard state, that 'they should kick Jack Ketch in their last moments.' I have seen some of the last separations with their friends, of persons about to be executed, where there was nothing of solemnity in it; and where it was more like parting for a country journey than taking their last farewell. I heard one man say (in taking a glass of wine) to his companion, who was to suffer next morning, 'Well, here's luck.' The fate of one set of culprits, in some instances, has no effect even on those who are next to be reported. They play at ball, and pass their jokes, as if nothing was the matter.'

I mention these circumstances to show what little fear common thieves entertain of capital punishment, and that, so far from being arrested in their wicked courses, by the distant possibility of its infliction, they are not even intimidated at its certainty; and that the present numerous enactments to take away life, appear to me wholly inefficacious. But, there are punishments which I am convinced a thief would dread, and which, if steadily pursued, might have the most salutary effect; namely, a course of discipline totally reversing his former habits. Idleness is one of the prominent characteristics of a professed thief—put him to labour:—Debauchery is another quality—abstinence its opposite—Apply it.—Dissipated company is a thing they indulge in; they ought therefore to experience solitude—They are accustomed to uncontrolled liberty of action; I would consequently impose restraint and decorum; and, were these suggestions put in practice, I have no doubt we should find a considerable reduction in the number of offenders. I say this, because I have very often heard thieves express their great dislike and dread of being sent to the house of correction or to the hulks, where they would be obliged to labour, and be kept under restraint; but I never heard any one say he was afraid of being hanged.

I pass over here, for brevity's sake, much important evidence—that of the gaolers, the chaplains of gaols, jurymen, &c. who concurred in the same view. But it is of importance that the House should know, that their evidence was confirmed by that of a gentleman of the

highest legal character, and of great experience, ability, and intelligence—who gave his evidence with a degree of clearness and precision, which excited the admiration of all the committee,—I mean the late chief baron, sir Archibald Macdonald.

But I must detain the House for a few moments, by saying something upon the evidence of a class of persons who are certainly, of all others, the most qualified to speak upon the indisposition of prosecutors to act. I mean prosecutors themselves; or rather, those who would have been prosecutors, but for the rigour of the law,—I cannot enter particularly into the evidence of each; but each of them in substance, was asked this question:—"Would you have prosecuted, if the punishment had been less than death?" The answer was uniform: Mr. Forster replies, "Certainly;" Mr. Wilkinson, "certainly;" Mr. Conder, "he certainly would have prosecuted, but for the punishment of death;" Mr. Collins, "he should not have hesitated an instant, if any thing short of death could have been inflicted. He would have taken extraordinary pains to have brought the offender to justice." And all the other persons examined, without a single exception, speak to the same effect.

The next question asked was, "Is the opinion prevalent?" Mr. Forster replies, "yes, there is a prevalent indisposition;" Mr. Wilkinson, "I have observed a general unwillingness when the consequences were so serious as death;" Mr. Conder, "I have conversed with many individuals on the subject, and they universally expressed an aversion to prosecuting, because they did not approve of the capital punishment. But with respect to forgery, their feelings were most warmly expressed;" Mr. T. F. Forster, "There is a general disapprobation among the merchants and traders of London;" Mr. Wendover Fry, "It is general among the traders of London, and I believe it would not prevail, if the punishment were less than death;" Mr. John Gaun, "It is my opinion. I have known several instances in which the middle ranks of society, more particularly retail shopkeepers, have entirely foregone prosecuting in small offences, shop-lifting especially, and in forgery in all cases, where they are for a small amount;" Mr. Soaper, "I believe it is; and there is a general impression on the public mind, that a reduction in the penalty of crimes which are punished with death would be attended with increased security to property;" Mr. Garrat, "I think I can state with certainty, there is not one person in twenty, but shudders at the idea of inflicting capital punishment in cases of forgery;" Mr. R. Thornhill, "I know many persons in London who have been great sufferers by such practices, and who have declared, that if the punishment had been any thing less than death, they would have regarded it as highly criminal in themselves to have foreborne prosecuting the offenders."

I remember that Mr. Dryden, with even more than his usual felicity of argumentative versification, thus urges the combined testimonies in favour of Christianity—

> "Whence but from Heav'n could men unskill'd in arts,
> In various ages born, in various parts,
> Weave such agreeing truths—or how, or why,
> Should all conspire to cheat us with a lie?"

And so I ask, how happens it, that persons so various, filling situations as various—merchants, bankers, shopkeepers, solicitors of the excise, solicitors of the Old Bailey, officers of the police, clerks of the police offices, magistrates, and jurymen—men bound together by no similarity of pursuit, no identity of interest, by no party-feeling, political or religious—how happens it, I say, that such persons should

> "Weave such agreeing truths—or how, or why,
> Should all conspire to cheat us with a lie?"

That they all agree is indisputable. And whence this agreement? Shall we suppose, that sir Archibald Macdonald, as it is very natural he should—police magistrates, as it is very natural they should—had entered into a conspiracy with the bankers and traders of London, to deceive the House and the public? Shall we accede to this rational solution of the uniformity of their testimony? Or shall we conclude, that they all spoke alike, because they all spoke the truth, and that the uniformity of the evidence arose from the uniformity of the observation?

For my own part, Sir, it is a matter of high satisfaction to me, that men so various, looking at the same object from points of view so various—the late chief baron looking at it under one aspect—a tradesman of the city looking at it in an

aspect totally opposite—the solicitor of the excise seeing it again in a third—a solicitor of the Old Bailey in a fourth—a police magistrate in a fifth—a banker, whose property is at stake, in a sixth—I say it is most encouraging to me, that so many persons, looking at the same object from every point of the compass—should unanimously arrive at the same conclusion, and that that conclusion should be, that the undue severity of the law has produced impunity; that is, has produced increased criminality.

But, Sir, when I also remember that this opinion of practical men, is corroborated by the opinions of men of profound thought and great learning—when I remember, that amongst the distinguished guides of mankind, I know of none who are against me, but Dr. Paley and Mr. Wyndham—that I have the authority of Chillingworth, and many other great divines—of Johnson, and many other great moralists—of Franklin, Mr. Pitt, Mr. Fox, and many other great statesmen—of, I believe, without exception, as to times past at least, all our most distinguished and pre-eminent lawyers, sir Thomas More, lord Bacon, lord Coke, lord Clarendon (who, however, only touches the subject incidentally), lord Ashburton, and sir William Blackstone—I say, when I see that the conclusion to which the wisest men have arrived by dint of reason, is the same conclusion to which the most practical men have arrived by dint of experience—and that this, the speculation of the learned, and the observation of those who gather up their notions in the busy scenes of life, has been put to the test in America; and that there it has realized more than the most sanguine expectation; and, further, that this system is the common law of England, and is common sense—I say, when I have such a body of evidence and argument, of fact and authority, of reason and experience; and when our adversaries, members of a committee which sat for many months, never once ventured to hint at an authority, or to produce a witness, who could gainsay the truths of those doctrines which I am maintaining—when I have so much in my favour, and so very little against me, I cannot but indulge the hope, that the noble lord opposite, and the government, will do justice to the country, by aiding the milder but more efficient doctrines of penal legislation, which we have endeavoured to promulgate.

But there is another price we pay, of which, if I can prove the existence and the extent, no man living will deny that in itself it more than countervails every conceivable advantage—I mean, the perjury of jurymen. I feel myself the more called upon to enter upon this subject, because a noble and learned lord is understood to have denied, and with indignation, the existence of such perjury. I am not so insensible as not to know the difference between his authority and mine, upon a question of this nature—that his is almost every thing; mine almost nothing. But yet I do not hesitate to repeat the assertion; because I am sure that I can prove it, by testimony so clear and so indisputable, as shall exclude the possibility of a reference to any authority, however high, and to any experience, however extensive.

And here, Sir, I must refer to the Sessions papers. My object is not to demonstrate perjury in a few special and selected cases. I admit that I prove nothing at all, if I do not prove it in tens, nay, in hundreds of thousands of instances. For the sake of clearness, I shall advert to but one species of crime; namely, Larceny; and to one species of perjury; namely, a diminution, by the jury, of the value of the goods stolen, below the sum made capital by law. The House are aware, that larceny from the person is, or has been to a late period, capital, to the extent of twelve pence; from a shop, to the extent of five shillings; from a dwelling-house, to the extent of forty shillings. Now, I will read to the House a few cases, by which they will judge whether juries do or do not perjure themselves, for the purpose of saving the life of the prisoner. Mary Whiting was indicted for stealing 7 guineas and 34 shillings, in the house of John Sun. Verdict, guilty 39*s.*—Jonathan Smith was indicted for stealing 20*l.* in money in the house of J. Marsh. Guilty 39*s.*—Elizabeth Parsons was indicted for stealing 23 guineas in the dwelling-house of Richard Staples. Guilty 39*s.*—Joseph Court was indicted for stealing 8 pair of gold ear-rings, value 3*l.* 16*s.*; 121 other pairs of ditto, value 74*l.* 10*s.* 6*d.*; 48 pairs of ditto, value 12*l.* 12*s.*; 204 pairs of ditto, value 36*l.* 9*s.*; 24 pairs of ditto, value 6*l.* 6*s.*; 2,488 gold beads, value 72*l.* 18*s.*; 864 coloured beads, value 18*l.*; 144 pairs of gold earrings, value 20*l.* 8*s.*; 9 pairs of

enamelled bracelets, value 9*l.*; 18 pairs of gold ditto, value 11*l.* 7*s.* 6*d.*; 3 small cases for bracelets, value 6*s.*; 36 gold seals, value 33*l.* 12*s.*; 12 gold lockets, value 3*l.*; and a parcel of shoes, value 14*s.* 8*d.*; the property of Messrs. Mackenzie and Grey, in a lighter belonging to them on the Thames navigable river. Guilty 39*s.*—Stephen Blanrise and John Parker were indicted for stealing 68lb. of beef, value 15*s.* and 12lb. of pork, also a stock-lock, privately, in the shop of Thomas Burdett. Guilty 4*s.* 10*d.*—William Parker was indicted for stealing 4 cocks, 17 hens, 5 ducks, 15 drakes, 20 fowls, the property of E. Tilson. Guilty 10*d.*—Barbara Hensley was indicted for stealing a gold watch, and a gold chain, value 10*l.*; 2 cornelian seals, value 40*s.*, privately, from the person of Edward George. The watch and chain found on the prisoner's person. Guilty 10*d.*—David Dickson was indicted for stealing 18¼ guineas in the dwelling-house of Mr. Hall. Guilty 39*s.*—Edward Greenwood was indicted for stealing 240 gallons of vinegar, value 22*l.*, a hogshead and 6 half hogsheads, value 4*l.*, the property of Elizabeth White, on a wharf adjoining the Thames navigable river. Guilty 39*s.*—William Moore was indicted for stealing 10 gallons of wine, value 10*l.*; 42 bottles, 7*s.*; and a handkerchief, 2*s.*, in the house of Peter Dennis. Guilty 39*s.*—George Taylor and William Dove were indicted for stealing a bed, bedstead, and curtains, set of fire-irons, a stove, a looking-glass, 4 checked linen shirts, a chest containing a bill, value 4*l.* 8*s.*, another bill, value 4*l.* 4*s.*, another bill, value 2*l.* 2*s.*, two dollars, and 7 bills (Spanish money) in the house of Mary Glass. Taylor guilty 39*s.*; Dove guilty 10*d.*—Catherine Tracey was indicted for stealing 6 guineas, and 2 half guineas, from the person of George Bennington. Guilty 10*d.*—John Powell was indicted for stealing 34 wooden half-firkins, and 1,150lb. of soap, value 20*l.* Guilty 10*d.*—John Martin was indicted for stealing 6 guineas, 2 crowns, 3 silver shoe-buckles, and 11 silver buttons, in a small trunk, in the dwelling-house of Thomas Smith. Guilty 39*s.*—Thomas Radford and Thomas Williams were indicted for stealing 7*s.*; a bank-note, value 10*l.*; 1 ditto, value 2*l.*; 3 others, each 1*l.*; and 2 others, each 5*l.* monies of John Hartshorne in his dwelling-house. Guilty 39*s.*—Alexander Chalmers was indicted for stealing 333 yards of Holland linen, value 105*l.* 5*s.*; 24 yards of printed linen, value 4*l.* 4*s.*; 45 yards of damask, value 16*l.*; 26 yards of striped linen, value 3*l.* 5*s.*, in the dwelling-house of Edward White. Guilty 39*s.*—Joseph Day was indicted for stealing a gold watch, value 20*l.*; a gold watch-string, value 2*l.*; a gold chain, value 10*l.*; a pair of diamond ear-rings, value 20*l.*; a silver snuff-box, value 3*l.*; 6 silk gowns, value 12*l.*; 2 pieces of gold and silver brocaded silk, containing 40 yards, value 60*l.*; 10 pieces of silk, containing 80 yards; and other things, in the dwelling-house of Thomas Cooke. Guilty 39*s.*—William Fox was indicted for stealing 50*l.* in money, numbered, in the house of Alexander Steele. Guilty 39*s.*—Philip Shovel was indicted for stealing 9 geese, value 40*s.* Guilty 10*d.*—Mark Woddin was indicted for stealing 12 guineas, and 4 shillings, in a dwelling-house. Guilty 10*d.*—Henry Todd was indicted for stealing 2 live pigs, value 10*s.*, the property of John Dunn. Guilty 10*d.*

Now, here is a case which is somewhat inexplicable to those who think that there never has been any disposition on the part of the judges to rescue the guilty prisoner from the legal consequences of his guilt. Martha Walmsley was indicted for stealing 1 pair of silver shoe-buckles, 2 pair of leather shoes, 3 shirts, 3 other ditto, 3 aprons, a frock, a gown, a bed-gown, 2 pair of hose and 2 curtains, with many other things, value 3*l.* 10*s.*, in the house of Henry Gripling. Court to prosecutor. "If you can fix the value under 40*s.*, you will save the prisoner's life." Prosecutor. "God forbid I should take her life! I will value them at 8*s.*" Guilty 8*s.*

Here is another case to which I beg to call the particular attention of the House. William Earl, alias Day, was indicted for stealing 13¼ yards of lace, value 6*l.* in the dwelling-house of Arabella Morris. Guilty 39*s.* He was a second time indicted for stealing 4½ yards of lace, in the house of Henry Pearse. Guilty again 39*s.* Now, it is somewhat curious, that 4½ yards of lace, and 13¼ of lace, upon the oath of twelve jurymen, should be valued at precisely the same sum. But, what is still more extraordinary, he was a third time indicted for stealing 6½ yards of Mecklin lace, and 7 yards of English lace, in the shop of John Gubbins. Now if 4½ yards were worth, valued upon oath, 39*s.*, one

would have thought that these $6\frac{1}{2}$ yards of one description, and 7 yards of another, must have been worth something more. But it appears, they were worth a great deal less; for the jury brought in their verdict, guilty of stealing to the value of 4*s*. 10*d*. Is there any man who doubts the reason of these strange and sudden fluctuations in the value of the property? That their value was limited to 39*s*. in the two former instances, and to 4*s*. 10*d*. in the latter, because, in the former, the larceny was from the dwelling-house; in the latter, from the shop?

Again a bank-note of 50*l*. is taken from the pocket of the prosecutor: the jury swear it is worth but 10*d*.—from the shop of the prosecutor, the jury swear it is worth 4*s*. 10*d*.—from the dwelling-house of the prosecutor, the jury protest that it is worth but 39*s*. Now, Sir, if any man denies that this is palpable and rank perjury, he is bound to explain so curious a phenomenon. Here is a piece of paper worth 10*d*. in one spot, 4*s*. 10*d*. in another, 39*s*. in a third, and 50*l*. all over the world besides.

These are some few of the cases of this nature which I have selected; and I hold in my hand twelve hundred of a similar description, with which I need not trouble the House. I, in the little leisure that I enjoy, have only been able to select so limited a number; but, if any gentleman wishes to enlarge his collection, he will find no difficulty in making that twelve hundred, twelve thousand. Now, observe: each of these cases involves the perjury of twelve men. I have confined myself to one species of crime out of a multitude—to one species of evasion out of a multitude—and to one court, the Old Bailey, without touching upon the remainder of England, all Ireland, and all Scotland. And, thus restricted, I prove my point. But, had I enlarged upon all crimes, tried in all courts, subject to every species of evasion, what would then have been the number of demonstrated perjuries?

As this is an important part of the case, I wish to prove whatever I have asserted. I must, then, show, that there are a multitude of evasions: Goods may be taken, and yet the act not amount to larceny, in the contemplation of the law. It may be larceny, but not privately: Or, being privately, not to the value required: Or, being to the value required, not from the person, the shop, or the dwelling-house; and in each of these steps there is room for evasion. Nothing, for example, can be more common than a case of this nature: The prosecutor swears that he lost a five pound bank-note, put it in a drawer, locked the drawer, took away the key—the drawer was broken open, the money gone, found upon the person of the prisoner, and other circumstances conspire to establish his guilt. The jury declare, that he is guilty of stealing, but not in the dwelling-house; by which they imply, that the note and the man were accomplices—the note breaks open the drawer, passes through the doors, finds its way into the street, and there is met by the prisoner—then, and, upon the oath of the jury, not till then, his guilt commences—he is guilty of stealing, but not in the dwelling-house.

Again: There is another mode of evasion, of great efficacy in preserving the lives of criminals—A supposition that the thing stolen was taken in parts, and at different times; consequently, the prisoner at no one time is guilty of stealing to the amount made capital by law. For example; a man has a guinea in his pocket—the prisoner evidently took it; and the jury suppose, that he first contrived to divide it into some six-and-twenty separate pieces, committed six-and-twenty distinct robberies, and then recoins the guinea which is found upon him.

Again: John Williams steals a live pig, sells it to a publican much under its value, for 7*s*. and a pot of beer. The jury are confident, that before he stole it, he cut it into pieces, stole it slice by slice, then rejoined the parts, resuscitated the pig, and produced it, unimpaired in voice, health and spirits, after so serious an operation.

But, I will fatigue the House with only one additional case. It certainly is the most curious of all that I have stated; but I am bound to add, that it does not stand upon that authentic and indisputable evidence, upon which I rest all the other facts now advanced. I advert to the celebrated case at Pevensey; to which ancient and respectable borough belong, I believe, some peculiar, but rarely exercised rights of trying offenders. A man was brought before the magistrates at quarter sessions, charged with stealing a pair of leather breeches. The evidence was clear, and his guilt was manifest; the jury brought him in guilty; and the magistrates were going to pronounce

upon him sentence of imprisonment, when the clerk informed them, that the offence was capital, and that therefore they must proceed to pronounce sentence of death. This information threw these respectable magistrates into the utmost confusion and dismay. What was to be done? was a question which all asked, and none could answer. One advised the insertion of *Not* before the word *Guilty*: Another thought it would be more regular to turn the prisoner loose and say no more about the matter. At length, it was determined to adjourn the court, and to send a deputation over to a Mr. Willard, a gentleman, I presume, very learned in the law, to beg his counsel in so desperate an emergency. It so happened, that the lord chief baron and another of the judges were dining with Mr. Willard, when this strange embassy introduced themselves. When their melancholy case was stated, the chief baron said, that the best way would, be, to insert after the word '*Guilty*," the words "*Of Manslaughter.* The deputation were delighted with so ingenious an expedient—returned in triumph—and I am misinformed if it does not appear by the records of this respectable borough that the man was tried for stealing breeches, and convicted of manslaughter. In another instance, I hear of a man who was indicted for returning from transportation, and found guilty of Petty Larceny.

Now, Sir, I know not the value which gentlemen in this House attach to the trial by jury: but this I do know, that it is nothing, and far worse than nothing, except upon the presumption of the veracity of a juror's oath; and that there is no gentleman, who hears me, who holds any thing, however dear to him, the possession of which may not depend upon the veracity of a juror's oath. Is it, then, policy or prudence—(I say nothing of its wickedness)—to tamper with that which is so very delicate; or even to permit the reputation of that oath to be impaired, or any stain to be cast upon its purity? But when the public see twelve respectable men—in open court—in the face of day—in the presence of a judge—calling God to witness, that they will give their verdict according to the evidence, and then declaring things, not very strange or uncommon, but actual physical impossibilities, absolute miracles wilder than the wildest legends of Monkish superstition—what impression on the public mind must be made, if not this—that there are occasions, in which it is not only lawful, but commendable, to call God to witness palpable and egregious falsehood?

And here, Sir, I wish to introduce one observation. It has been said by gentlemen on the opposite side, "True—persons are indisposed to prosecute, but then this is not so much from any principle of humanity as from a principle of economy." Now, I admit, that where two motives operate at once upon the mind, it is very difficult to assign to each its appropriate and peculiar force; but with regard to jurymen, only one motive is in operation—it is no cheaper for him to bring in a verdict of acquittal than of guilt; he saves nothing by the flexibility of conscience—the motive of humanity is the only one which operates in his mind, and that one motive has been sufficient to occasion all that forgetfulness of the solemnities of an oath, of which I have just advanced such irresistible proof.

If this multiplied perjury stood alone, it would be more than sufficient to countervail every conceivable advantage; for I cannot think that the House will very easily reconcile itself to vote for the continuance of a system, in the front of which, stands perjury so rank, so palpable, so general, and so fatal.

But I have yet a deeper charge, if deeper there can be, against our present system of criminal jurisprudence; namely, that it grows the crime it punishes, and makes the criminal whom it afterwards executes. Will any one deny this?—look to your prisons. I cast no reflection upon those who now conduct them—the efforts which have lately been made, and so happily, for their amelioration, reflect the highest credit upon the magistracy of the country: but what have they been for a century past?—nothing else but seminaries for the growth of crime; then Botany Bay, a reward under the name of punishment; then your police; if the noble lord will permit us to go into a committee on the Police bill, I will pledge myself to show, that it has been, and is the disgrace and shame of the country; but time forbids me to do more than touch upon these painful proofs of neglect. Whence, I ask, the lethargy, the supineness, the indifference to the prevention of crime, which marks our system? Here is the cause—we rest our hopes on the hangman, and in this vain and deceitful confidence in the ultimate punishment of crime, forget the very first of our duties—its prevention.

If there be a cause which is calculated to awaken our strong compassion, mingled indeed with resentment as strong, it is the facility afforded to the beginner in evil—the smoothness of the path of vice when he first enters it—the gentle declivity down which he at first descends, allured forward by that which is unquestionably the most insidious of all poisons, and the most potent of all temptations, to the beginner in evil—impunity to his early misdeeds. Ah! Sir, circumstances have led me to know something of the haunts where guilt lurks in this metropolis; and, if I have seen much in them to abhor, I have seen as much in ourselves to condemn; and, while my eye has been shocked, and my heart pained, by scenes of low and disgusting profligacy, I have not blinked the truth; I have not disguised from myself the fact, that many of these great evils are also remediable evils; and therefore, that in much of this, myself, every man who has any influence, but above all the ministers of the Crown, who could avert these evils if they would, who could with the utmost ease sweep away these snares for the morality of your people— are in some sort participators.

The cruelty of this indulgence, and permission of crime, gathers strength from the reflection, that in England, for the offender, there is no easy return to the paths of virtue: his character is gone, and with it the restraint which character imposes; hope is gone, and the stimulus which hope gives to virtuous exertion; his means of subsistence are gone too; and that course which he commenced in wantonness, he must continue from necessity. Let me not be misunderstood, as I sometimes have been, as an advocate for the criminal, or the apologist of crimes. No one views with more horror than I do the crimes which abound in this metropolis; but I may be excused if I sometimes turn my attention from the effect to the cause,—from the stream to its source—from guilt on the part of the criminal, to the neglect on our part which occasions it. Let no one imagine, that the picture which I have drawn, is rarely seen, or extravagantly coloured. I do believe, that if the real mysteries of crime could be developed—if the secrets which are now hid in impenetrable darkness by the united interests of police and criminal, could be faithfully unfolded to the eye of the public, scenes both of guilt and wretchedness would be disclosed, which would shame every man who is not dead to every sense of shame, grieve every man who is not insensible to all feelings of compassion, and rouse us all into ardent efforts for the prevention of crime.

Upon a late occasion (in company with Mr. Samuel Hoare, the chairman of the Society for the Reform of Juvenile Delinquents,) I visited about midnight many of those receptacles of thieves which abound in this metropolis. We selected the night of that day in which an execution had taken place, and our object was, to ascertain whether that terrible demonstration of rigour could operate even a short suspension of iniquity, and keep for a single night the votaries of crime from their accustomed orgies. In one room, I recollect, we found a large number of children of both sexes, the oldest under eighteen years of age, and in the centre of these a man who had been described to me by the police as one of the largest sellers of forged Bank-notes. At another part, we were shown a number of buildings, into which only children were allowed to enter, and in which, if you could obtain admission, which you cannot, you would see scenes of the most flagrant, the most public, and the most shocking debauchery. Have I not, then, a right to say, that you are growing crimes at a terrible rate, and producing those miscreants who are to disturb the public peace, plunder the public property, and to become the scourge and the disgrace of the country?

The day before a late execution, in which eight persons suffered, I visited them in gaol, conducted certainly by no barbarous curiosity, but led to their cells by the desire of learning from dying men, if I could do so without pain to them, what was the original cause of their criminality. I found them in a subdued and tranquil frame of mind, ready to communicate, and if they did not deceive me, I saw in those eight persons, eight victims to the cruelty of depending on ultimate punishment, instead of early prevention; each of them had begun with petty offences, had enjoyed a long career of unpunished crime, had been led, step by step, from one dark deed to a darker, till he had attained that degree and measure of wickedness which called down the exterminating vengeance of the law. It is impossible to witness scenes of this kind without asking, whether we have a right

to do so much in vengeance, and so little in prevention — without acknowledging, that as the greatest of all charities is that of turning the sinner from the error of his ways, so the greatest of all cruelties is the cruelty of affording facility to crime, and of allowing the seeds of evil to be scattered around us in the deceitful belief that we can cut off the weed as it rises: it is impossible to witness scenes of this kind without remembering the splendid passage with which a lawyer, remarkable for every thing but his humanity, lord Coke, closes his fourth Institute. He says—" What a lamentable case is it to see so many christian men and women strangled on that accursed tree, the gallows; insomuch as if in a large field a man might see together all the christians that but in one year in England come to that ignominious and untimely death—if there were any spark of grace or charity in him, it would make his heart to bleed for pity and compassion.

" The consideration of this preventing justice were worthy the wisdom of parliament. Blessed shall he be that layeth the first stone of the building, more blessed that proceeds in it, most of all that finisheth it, to the glory of God, and the honour of our king and nation." So said the first of our legal authorities two centuries ago: and as yet, the first stone of that building has not been laid.

This, then, is my argument. Our system is before us. The price we pay for that system is—The loss of public opinion, and of the aid (the best, the cheapest, and the most constitutional) which law gathers from the concurrence of popular opinion: The necessity of doing that by spies, informers, and blood-money, which were better done without them: The annual liberation of multitudes of criminals: The annual perpetration of multitudes of crimes: Perjury: and the utter abandonment of the first of your duties—the first of your interests—and the greatest of all charities—the prevention of crime.

This is what you pay—and, for what?—For a system which, having in its favour Mr. Wyndham and Dr. Paley, has against it, Johnson, Franklin, Pitt, Fox, More, Bacon, Coke, Blackstone, and a multitude of others—divines, moralists, statesmen, lawyers—an unrivalled phalanx of the wise and good: A system which has against it the still stronger authority of practical men, who draw their conclusions from real life: A system which has against it the still stronger authority of the common law of England, which, if wrong now, is wrong for the first time: A system which has against it the still stronger authority of experience and experiment, in England, on the one side, in Tuscany, in America, and elsewhere, on the other: And, finally—a system which, in its spirit and its temper, is against the temper and the spirit of that mild and merciful religion, which desireth not the death of a sinner, but rather that he should turn from his wickedness and live.

Mr. *Bright* eulogized the eloquence and ability of the exposition given by the hon. member for Weymouth, but stated that he could not concur in the propriety of repealing the law by which forgery was rendered punishable with death. He contended that this crime was the crime of education and trade: and that for the protection of property, in the present state of society, it was necessary to inflict upon those who were guilty of it the severest punishment which could be invented. He went on to maintain that the statements in the report were not borne out by the evidence appended to it; and he exemplified his position by reference to various parts of the testimony, especially to that of sir A. Macdonald. It had been stated that a number of bankers had formed an association for the purpose of prosecuting persons who had committed forgeries, but that the severity of the law had deterred them, in many instances, from proceeding. Not one of the members of this association had, however, been examined before the committee; and yet, defective as the evidence was, they now came forward and asked for a most essential alteration in the law, which they described as unfit for the present constitution of society. He did not mean to defend all the minor enactments of the criminal law; but he took his stand on one of the greatest offences that could be committed against such a community as that in which we lived. If an alteration were made in the state of the law with respect to that offence, it would become necessary to alter the whole of the criminal code, from murder to hedge-breaking. For whom, he would ask, were they to legislate? Were they to legislate for the whole community, or only for individuals. Was a man to tell him that he would prosecute, provided he (Mr. Bright) legislated as

that individual pleased? The law did not admit of this compromise. It said—"You shall prosecute!" And why did the law make this specific declaration? Because those who framed it were well aware of the fine sympathies which pervaded human nature, and to break through which all men felt a great degree of reluctance. The law, therefore, rendered it imperative to prosecute for great public crimes, and it did wisely; because it was proper to consult, not the feelings of individuals, but the general good of society. The hon. gentleman then proceeded to make some remarks on the evidence given by an hon. member (Mr. J. Smith), and observed, that various reasons, besides the severity of the punishment, might have induced the bankers not to prosecute in the case of the boy to whom the reference had been made. He should be glad to know why all the learned judges, who might have been examined before the committee were not called upon to give their opinion? No less than five or six judges, all men well versed in the criminal law, might have been examined before the report of the committee was brought up, and yet not one of them had been called on. Some, it was said, were not examined, because they were unfavourable to the views of the committee; others, because they were favourable to those views; some because they were reluctant to be examined, and others because they were anxious to give their testimony. There were cogent reasons, in fact, for examining those individuals. The various arguments which operated in favour of, and against, an alteration of the criminal law, might then have been correctly weighed and balanced, and a proper report laid before the House. But it was said, that the opinion of professors of the law, with reference to this subject, were not to be depended upon. If that were the case, why did the committee rely on sir A. Macdonald and some other gentlemen of the legal profession? There was, he contended, a want of evidence to justify the committee in their decision. He would not say that the course taken in the time of queen Elizabeth, namely, that of repressing crime by increased severity of punishment ought now to be resorted to; but this he would say, that before they removed a great security for property, like the punishment of death in cases of forgery, they ought to have stronger evidence before them than that on which the report of the committee had been founded.

Mr. *J. Smith* said, he should have thought it improper to offer a single remark to the House on the present occasion, after the forcible impression which had been made by the able and eloquent speech of the hon. member for Weymouth—a speech highly creditable to his talents, but still more creditable to his humanity—if it had not been for the allusion made to himself by the hon. gentleman who had just sat down. Now, he would contend that the punishment of death being certain to follow the crime of forgery had, in many instances, occasioned the escape of the offender altogether; because individuals could not bear the idea of prosecuting when the penalty was so severe. With respect to the individual referred to, he was only 16 years of age; and, under all the circumstances of the case, it was felt by those who were interested in bringing him to punishment, that it would be the greatest possible cruelty to prosecute him capitally. There had been established for many years past a society of bankers who united to protect themselves from forgery; and, although a solicitor was appointed who had nothing to do but to prosecute, and to receive his fee for acting professionally, yet it was well known that cases did occur, in the course of which means were taken to prevent the prosecution of individuals charged with forgery. He had known persons the most ignorant, the most helpless, the most artless, who had been betrayed into the commission of this offence. He did not mean to say that they were not guilty of a great crime; but certainly they were not fit objects for capital punishment. There was, he recollected, an individual found guilty of forgery some time ago, and ordered for execution. As there were some peculiarities in his case, he, knowing the humanity of the noble lord at the head of the home department, had taken the liberty of making application to him in behalf of the culprit. This was on the Saturday, and the convict was to have been executed on the Tuesday following. A respite was, however, procured; and he had some conversation with the unfortunate convict. He had been found guilty of uttering several forged bank notes, and for each note he so uttered, he had received five shillings. This poor creature was an Irishman, who came over here to make hay; and he could not convince him that he had committed any

crime whatsoever. This proved that there was, amongst the lower order, a general ignorance of the nature of the offence. He had hoped that the hon. member for Bristol would have made some observations on the scope and bearing of his hon. friend's speech. This he had not done; but he had made a general attack upon the report of the committee. He would not enter into a detail of that report; but he would state, that the individuals who gave evidence before that committee were fairly collected, and were supposed to be individuals extremely well acquainted with the nature, application, and effects of the criminal law, particularly with respect to the crime of forgery. He expected the hon. member would have combated the proposition, so incontrovertibly proved by his hon. friend, that the severity of the law occasioned the commission of perjury. He had attended the trial of many hundred criminal cases; and this he would say, that where they were of a minor description, the jury in one-half of those cases perjured themselves, in order to screen the delinquent from the excessive severity of the law. If this were the only evil arising from the existing state of the law, he thought it was quite sufficient to warrant the immediate interference of the House.

Mr. *R. Martin* observed, that the petitions on the table afforded abundant proof that the sense of the country was adverse to making forgery a capital crime. In answer to what had fallen from the learned solicitor-general, he would ask that learned gentleman, whether, if he had a ward at that university, where the learned gentleman had obtained so much honour, and if a friend of that ward were to commit a forgery upon him for *50l.* or *100l.*; and if that ward were to ask his advice what to do, the learned gentleman would not say to him, "If you wish to live happily in college, do not hang your friend and companion; forfeit your recognizance to prosecute if you have entered into one, for no young lady of rank and fortune will ever marry a man who has hanged his friend and companion." In the case of Dr. Dodd, did not the prosecutor fall into great odium and contempt on account of the prosecution? In his own case, a man to whom he had been a great benefactor, whom he had raised from indigence and made a collector of the revenue, had committed a forgery upon him for *2,000l.*; but finding that his counsel, Mr. M'Nally, had laid the indictment against the offender capitally, contrary to his instructions, he had caused the recognizance to be forfeited, and the criminal escaped by this compounding of felony. He was convinced that if the law were not altered, juries would soon trifle with their oaths in cases of forgery, as they now did in cases of larceny and other offences.

Dr. *Lushington* did not mean to enter at large into the arguments on which the proposition of his hon. and learned friend for an alteration in the state of the criminal law was founded. The lateness of the hour, and the admirable speech of the hon. member for Weymouth, rendered such a course not only unnecessary but improper. He would, however, make a few observations founded on facts, which he thought would clearly show the necessity of repealing the punishment of death for the crime of forgery, except for the forgery of bank-notes. The solicitor-general had described the forgery of wills as a crime which might visit whole families with ruin, and which, therefore, ought to be prevented by the utmost severity of punishment. But it should be observed that the forging of wills was an exceedingly rare offence. During a connexion of thirteen years with that court before which all disputed wills must necessarily be brought, but three instances of forged wills had occurred. The learned gentleman would perhaps argue, that the rareness of the offence was to be attributed to the severity of the punishment. But let the House mark the fact—in not one of those three instances had there been any prosecution whatsoever. In each of them the individual guilty of the crime had escaped with perfect impunity. As if to render the circumstance more extraordinary—as if the more effectually to controvert the learned gentleman's proposition—it so happened that one of those cases had occurred that very morning. A person had forged a will for the purpose of defrauding a brother, who was heir to a certain property. The offender confessed his crime, and he (Dr. L.) had read the letter, which was, in consequence, written by the party against whom the fraud was meditated. He there said—"I have no inclination to be vindictive. Let me have the property, and I will not prosecute." He believed that in the other cases of this nature the same thing occurred. But forging a will was

by no means an easy undertaking, particularly for the purpose of passing real property; because, in that case, it was not only necessary to forge the name of the testator, but also the names of three witnesses. The destruction of wills was, however, a more dangerous crime than their forgery. It was more easily effected, and held a much greater temptation. Any individual getting possession of an instrument by which the property of a person recently deceased was devised, might, by destroying it, entirely frustrate the intention of the testator; and they all knew that wills generally fell into the custody of those who were more or less interested in the disposition of the property devised. Now, what was the punishment affixed to the perpetration of this crime? The House would be surprised to hear that there was actually no punishment at all. Here, then, was a vacuity to be filled up in the criminal code; and he called on the attorney-general to introduce some measure for that purpose. It was a curious circumstance that, during the last thirteen years, the same number of wills exactly had been feloniously destroyed (if he might use the term) as had been forged, namely, three: so that the offence which had a punishment affixed to it, had been just as often committed as that the perpetration of which was not visited by any penalty. The solicitor-general had laid considerable stress on the forgery of marriage-registers, and had said, "Surely you would not take away the punishment of death from that offence." He (Dr. L.) could not, however, find any instance of that offence, either before or since it had been made punishable with death. He could not, therefore, see any reason for making it a capital felony, except the strange desire, the extraordinary anxiety for the multiplication of capital punishments. The punishment of death did not, it was evident, produce that salutary terror which some individuals supposed. It might produce a good effect to a certain degree; but the question was, whether that good was not overbalanced by the perjury committed by juries, who acquitted prisoners of capital charges, rather than subject them to the severity of the law? Those who were favourable to an alteration in the system balanced these two points, and decided that the greatest portion of good would be derived from an alteration of the existing system. A case occurred 17 or 18 years ago to which, as it exemplified the position he had just laid down, he would call the attention of the House; and here he might be permitted to state that he spoke of facts which came within his own knowledge. A boy, 15 or 16 years of age, happened to pass by the Old Bailey when a man was executed for forgery. Up to that time his character was free from all blame. He was employed by a merchant on the other side of Blackfriar's-bridge, who placed the utmost confidence in him. The lad inquired what the man was executed for; and was informed that he had forged a note of hand. He immediately went home, and committed that very day a forgery on his employer. For that forgery he was tried and convicted. Application was made in his behalf to Mr. Ryder, the then home secretary, and he was finally respited, in consequence of the affidavit of the ordinary of Newgate, who deposed that the culprit was not fit to receive the communion, and therefore was not fit to die. So much for the efficacy of capital punishment, in deterring men from the commission of crime! The circumstance stated by the hon. member for Galway, with respect to prosecuting an offence at common law made capital by statute, was by no means singular. In Ireland it was customary to look on half the statutes as a mere dead letter, and instead of prosecuting on those statutes, to lay the indictment at common law. He had heard this fact stated by one of the learned officers of the Crown in Ireland, who did not appear to be acquainted with the impropriety of this course of proceeding. To prove the verity of his statement, he offered to produce the calendar marked by himself. What, then, must be the state of public opinion in that country, when the twelve judges thought they were at liberty to render the solemn enactments of the legislature null and void, because the good feeling, the good sense, and the humanity of the people, as well as the reluctance of prosecutors, would not allow so sanguinary a course of proceeding to be carried into effect?" The same feeling prevailed in this country, from one end to the other, of which they had repeated instances. One was that of a banker in the city, who lost 1,500*l.* by the forgery of one of his clerks, but declined to prosecute him to death. The same banker had, in the course of last week, been forged upon by another clerk

to the amount of 1,700*l.* and finding that he could prosecute him for embezzlement, he was resolved to spare no expence to make an example of the offender. He knew another case in which a forged draft was presented at a banker's—when the banker, aware of the forgery, told the person to call in an hour, if he thought fit. The person was prudent enough not to call again, and the banker kept the check; but if the punishment had been less than death, there could be no doubt that the person would have been detained in the first instance, and punished. It was incumbent on the other side to show the expediency, the absolute justice, the imperious necessity, of the punishment of death. The punishment of death was irremediable, whatever might have been the errors of the evidence or the verdict. Judges and jurors were liable to be deceived. Instances of this had occurred at Chester, at Stafford, and at Durham, within the last three years, where persons had been left for execution, who had been subsequently proved to be perfectly innocent. He then complained of the receptacles which were open for thieves in this metropolis, which he regarded as disgraceful to the police. He had visited one of these receptacles, and, after passing through a very long passage in total darkness, he entered the room, in which were from twenty to thirty persons. He had inquired if there was one among them who did not live by robbery? They all avowed that they lived by depredations on the public; and in the course of the succeeding four months three of them forfeited their lives to the violated laws of their country. The house in which they met had since been shut up, but the nuisance was not removed, as another house in the same neighbourhood had been opened for the reception of the characters he had described. An active, vigilant, and preventive police, well regulated prisons, and, above all, laws assimilated to the feelings of the people, were the means required, and which the House was bound to adopt, for the diminution of crimes.

Mr. *Nolan* thought this was not the time for discussing the state of the police. That subject could be better entered upon when the report of the gaol committee came before the House. It was a grave question, whether that punishment should be withdrawn from the crime of forgery, which for ages had been regarded as the most appropriate. He did not see why a distinction should be made, as had been suggested, between the crime of forging a Bank of England note and that of forging the note of a country bank. To him the crime appeared the same in both cases; and he did not think it just that the punishment of death should be awarded in the one case and not in the other. He could state from unquestionable authority, that much of the circulation of forged notes was attributable to the indulgence shown by the Bank, in allowing offenders to plead to the minor offence. He doubted whether prosecutions had been reduced by the severity of the punishment. There was one charge of so serious a nature that he could not pass it over; namely, the charge that jurors were guilty of perjury; and to rescue them from the sin of perjury, they were to make an alteration in the laws. Now, he had never seen at the Old Bailey any thing on the part of the jury which could warrant the statement. There was no necessity for straining their consciences. When juries had ground for mercy, they could give their recommendation to the judge, which was always attended to, and need not commit the crime of perjury under a feeling of humanity. He should vote for the amendment, on the short and simple ground, that death was the proper punishment for forgery on the Bank of England, as well as private forgeries. He believed the sense of the country was, that forgery ought to be punished with death.

Mr. *Wynn* concurred with his learned friend who spoke last but one, in thinking that the onus lay upon those who wished to maintain the propriety of capital punishments in these cases, to establish it by proof. If any man entertained a doubt whether the penalty of death was absolutely necessary, he was bound to vote for the bill. Nothing short of absolute necessity, the safety of the state, and the preservation of society, could justify its continuance, *Cuncta prius tentanda.* The punishment of the second offence with death was on the principle of the old law of England, which denied the benefit of clergy for the second offence. With respect to the Bank of England, as they had made its notes a legal tender by law, and punished the imitation of the gold coin with death, it seemed rational that they should punish the forgery of Bank of England notes in the same man-

ner. He had some doubt as to the mitigation of the punishment in the case of forged wills; but he would consent to go into the committee with only that objection to the general measure.

Mr. *W. Courtenay* expressed himself in favour of going into the committee. It was right that parliament should look to the state of the public mind, which was manifested by the number of petitions that had been presented from time to time. These petitions had already produced some effect. A committee was appointed in the first instance; and though he was against the appointment of that committee, it was not because he objected to the mitigation of the criminal law, but because he thought the object might have been more effectually accomplished by other means. There was not the slightest ground for charging the committee with a predetermination to support the measure in question. The House had appointed the committee in consequence of the numerous petitions presented on the part of the people. That committee now laid before the House the grounds upon which their recommendation was founded, and the petitions on the table pointed out the course recommended by the committee. He could therefore say with confidence that the recommendation of the committee, so far from being contrary to, was in accordance with the wishes and feelings of the people of England. One argument urged against the proposed bill had given him considerable pain, namely, that the punishment of death ought to be continued, because we were deficient in effective secondary punishments. Now, he could not consent to the continuation of capital punishments upon such grounds, if it was contended, that the state of the people of this country was such as to render secondary punishments ineffective, the argument in favour of capital punishments would be a good one; but he maintained that this was not the case.—A little time would enable us so to arrange our prisons as to make secondary punishments effectual in preventing crime. The solicitor-general had observed, and truly, that we had not had much experience of the effects of hard labour upon criminals; but then, let that mode of punishment be tried, and he had no doubt but it would prove effectual. He had not made up his mind upon that part of the measure which regarded the forging of wills and other private instruments. That part of the question stood upon grounds totally different from forgeries of negociable instruments.

The Marquis of *Londonderry* said, he was anxious to state to the House, as shortly as possible, the reasons which would influence his vote on the present occasion; and in doing so, he did not consider that he at all involved himself in a refusal to take into consideration those legislative measures proposed by the hon. member for Weymouth for reducing the standard of punishment in criminal cases. He flattered himself that the House, in what it had already done, had given to the country an earnest of its determination to do all that could be practically done upon this subject. In entering upon this subject he did not feel it necessary to follow the hon. member for Weymouth through this new and perfect system of police which was to take charge of men, and conduct them clear of all the snares and temptations of life. That subject, however important in itself, was not involved in the discussion of this evening. The real question narrowed itself into this—ought they to pass this bill for remitting capital punishment in all cases of forgery, save those upon the Bank of England? They were to inquire whether this humane measure was supported by the sound sense of legislative arrangement, or whether it did not arise from that philanthropic spirit which they were all anxious to conform to as much as possible. He could not perceive that Bank of England notes stood upon a principle so different from other securities as to require a special exception in their favour. It appeared to him that they stood upon a footing with all other negociable instruments of a similar character. But it was urged that bank-notes had been made a legal tender. He appealed to the House whether this was the fact? They never had been made a legal tender; on the contrary, no principle had been held more sacred than that it should not be compulsory to receive them. True, it was compulsory upon individuals to take those notes for their own convenience, as they could not exist without them; but the same might be said of country notes, for if those notes did not pass in the country, the whole operations of business must be suspended. If he was right in this point, and if the hon. member gave up the question of wills, then he had the whole question in

pari materia before him. In considering whether the punishment of death was necessary, they must inquire what punishment was best calculated to prevent crime. If he was not in favour of this bill, it must not be said that he was an enemy to any measure of the kind; but, if driven to consider the effects of remitting punishment, he would say, that even from the statements of hon. gentlemen themselves, it appeared that where punishment was enforced, the crime was diminished, and where it was relaxed, crime had increased. Hon. gentlemen had stated, that forgeries of wills and deeds were very unfrequent, but that wherever a conviction for such offences had been had, it was uniformly followed by capital punishment. But where did they find crime multiplying and growing from day to day? They found it in forgeries on the Bank of England, whose officers had a discretion vested in them of prosecuting the parties for the minor offence, of having forged notes in their possession, but not for uttering them, by which means their lives were saved. Here was a practical instance of the increase of crime, in consequence of the facility of avoiding death and of escaping with transportation. His opinion was, that by passing this bill forgeries of every kind would be greatly increased. The House should pause before they removed the existing punishment, without knowing whether any thing so effectual could be substituted. The hulks, it was said, might be made an efficacious secondary punishment. Now, the hulks were never intended as a secondary punishment, but as a temporary receptacle for certain classes of offenders. It was not to be expected of government, that they could render all institutions for the punishment or prevention of crime completely perfect at once—Perfect gaols, a perfect preventive police, perfect secondary punishments—this was not the business of a moment. Government showed no indisposition to act upon the best mode of prevention and punishment, and to give every attention to any useful improvement that might be suggested. A commission was now on its return from Botany Bay, one object of whose inquiry was to find out some place there adapted to secondary punishment. Transportation was no longer considered a punishment; it being rather an object of desire than apprehension, to be sent to a place which was the most healthy and prosperous colony belonging to the country. If, therefore, transportation was no punishment, the question was whether, without having any efficacious secondary punishment, they were to take away that of death? This would be, in effect, to offer a bounty for the commission of a crime, than which none could be more dangerous to the well-being of a great commercial society. However desirable it might be to mitigate the existing laws (and no man felt that desire more strongly than himself) they should not allow their feelings to run away with their judgment, and abrogate one punishment without having any to propose in its stead which promised to answer the desired end. For these reasons, he thought it desirable to adopt, at present, the amendment. He should not consider, however, that any gentleman, by the vote he might give that night, would be precluded from the support of any future proposition for mitigation of punishment, when it could be adopted with a well-grounded probability of success.

Mr. *Wilberforce* said, he would not trouble the House were it not for this reason, that if the bill did not pass in its present stage, he should be sorry to have omitted this opportunity of giving his testimony in support of it. He regretted much that many gentlemen who would vote upon the question were not in the House early enough to hear the powerful arguments and persuasive eloquence of the hon. member for Weymouth. His speech showed that his ideas on the subject were not taken up merely on speculation, but were founded on actual observation, and facts collected with the greatest industry. He was glad to perceive that his noble friend opposed the bill in a spirit which showed that his feelings favoured the principle, though he did not think it prudent at present to agree to any mitigation of the existing punishment. Whatever strength, however, the arguments of his noble friend might have as applied to the merits of the bill, he did not think they ought to prevent the House from going into the committee. This he thought they ought to agree to, were it only for the purpose of giving the measure that full and fair consideration which its importance merited. It ought to be made apparent to the country, that the House had not, until after minute consideration, agreed to a continuance of such painful severities; and for that reason, he

thought it the duty of the House to agree to going into a committee. If after coming out of that committee it should appear to hon. members that the mitigated punishment was inadequate to the prevention of the crime, they might on the third reading vote against the bill. Another reason why the House should go into the committee was, that although it was well known to the majority of that House, and of the intelligent part of the community, that the crime of forgery was the most destructive which could be imagined of the vital principle of a commercial nation, and that the correction of that crime was a matter of the greatest necessity, yet they must remember that ignorant minds looked on no offence more venial. On these grounds he conjured the House to pause before they voted against going into a committee, unless they were so much in love with capital punishments as not to wish for any alteration.

Sir *James Mackintosh* said, it had been objected to him, that he had not opened his view of the question. His reason for not doing so was, that he had, in 1819 and last year, addressed the House upon the measure, and he did not, on this occasion, wish to fatigue them with a repetition of the same arguments. But that was now charged against him as an offence, which he had done as a matter of courtesy. It was, however, of little consequence what he said upon this question. The subject was one of great magnitude, and it would ill become him to indulge in any personal feelings in discussing it. He should, were it not that he conceived that silence would not become him on such an occasion, most willingly rest his case upon the very luminous and able speech of his hon. friend (Mr. Buxton) —a speech which contained the clearest and most extended view of this great question, and which he felt himself bound to say, was the most powerful appeal that he had ever had the good fortune to hear within the walls of parliament. After such a speech, it was needless for him to enter at length into details, and in order to spare as much as possible the time of the House and his own strength, he would avoid touching upon any thing not immediately connected with the question before them. He would, therefore, abstain from entering into a defence of the committee, satisfied that the character of his hon. and learned friend would be more than sufficient to repel any attack made upon it. With respect to the criticisms which have been made upon the report of the committee, it would be a wanton waste of the time of the House to attempt to defend that report. He was not there to call the attention of the House to the style of the report, but to the facts it contained, and to the inferences to be drawn from those facts. It mattered not, if from indolence, or carelessness, or from the neglect of an amanuensis, or of a printer, or from what other cause, the report was defective; he was not there to refute hyper-criticisms, but he must beg to have it understood, that in declining to enter upon a defence, either of the report or of the committee, he did so solely to save the time of the House, and not from a feeling of inability to do both. Before he proceeded to answer the observations of the noble marquis, he felt it necessary to remove a case put by the hon. and learned member for Barnstaple. That hon. member stated, that he knew a case of a man who had granted an annuity upon certain deeds, and had afterwards absconded. Now, the House would know how far his learned friend had been led away by that natural vivacity which belonged to the sister country, of which he (Mr. Nolan) was so distinguished an ornament. It would appear, that were it not for a measure of this nature, a person so acting might be hanged—after he had absconded, and totally escaped out of the reach of the persons whom he had injured.—Adverting to what had been said by the noble lord, he observed, that the impunity with which forgery was practised arose from a reluctance to prosecute, and a reluctance to prosecute from the great severity of the law. The committee had not, it was true, examined the judges of the land as to the cause and increase of crime, but they had examined the most respectable bankers and merchants of the metropolis—persons who knew what induced men to prosecute, and what deterred them from it. Those persons proved to demonstration, that the severity of punishment defeated its own object. For this fact he would appeal to the testimony of those gentlemen. He would take, for instance, the evidence of Mr. Hoare. What were the words of Mr. Hoare? "When," said he, "I see the great number of forgeries, and the small number of prosecutions, I cannot doubt the universality of the public sentiment as to the impolicy of the law." Who, he

would ask, were the best judges on that important subject? Were not bankers and merchants the best judges? He would take the liberty of saying, in language more sober than had been applied to him by the learned gentleman opposite, that he would prefer the testimony of bankers and merchants to the mere declarations of the learned gentleman. His learned friend, the member for Barnstaple, with an importance, which no doubt he felt to be attached to the representative of that ancient and incorruptible borough, had stated, that great numbers of bankers and traders were against the bill. These bankers and traders had contrived to keep their secret from the public. They did not utter one word on the subject until they came down, it would seem, in a body, and held a private conference with his hon. and learned friend. Where, he would ask, was to be found the evidence of that opinion? Was there a single petition on the table in favour of those sanguinary laws, which, according to the opinions of the secret clients of his hon. and learned friend, were necessary for the security of property? The hon. member for Bristol had said, that there was but a cabal on one side of the question, and that the opinions of all mankind were on the other. Did not that hon. gentleman recollect that there was a petition from Bristol in favour of the bill?—He would now say one word with respect to the witnesses who had been examined before the committee, He would fearlessly say, that there never was an examination conducted with more fairness and impartiality. He might appeal to the House whether the committee itself had not been selected on a principle of strict equality. The members of that committee sat together bound by no other ties than those of their public duty as members of parliament, and the feelings of private friends. Minutes of the evidence taken before the committee were sent round to every member, and notice of every discussion of importance was also sent round. The attendance of gentlemen holding official situations was not always expected; but it was fair to assume that if those gentlemen saw any necessity of attending or of examining witnesses, they would have attended and proposed their witnesses. They did not do so. The only proposal he recollected to have been made in the committee with respect to witnesses, came from an hon. and learned friend of his on the other side, who proposed that the judges should be examined. He (sir James) made the answer to that proposal which he afterwards stated in that House, and he did not hear one dissentient opinion uttered in the committee. His hon. and learned friend, the solicitor-general, timidly hinted that those who favoured the ancient system felt rather cold upon the subject. Why did they feel so? Were they apprehensive of being made unpopular by the avowal of their opinions? If his hon. and learned friend admitted that, he admitted his (sir James's case)—he admitted that all mankind were for the measure. If persons were afraid of incurring odium and unpopularity by avowing their opinions in favour of the severe and sanguinary code, it followed that the very supporters of that code felt that all mankind looked upon it with horror and reprobation. And here he would beg to remind the House of the various petitions presented in favour of a revision of the penal code. These petitions were signed by upwards of thirty thousand persons—by men of all parties—by men strongly attached to ministers—by merchants, traders, shopkeepers, and artizans, by those who were the principal sufferers from forgery, larceny, and fraud; by those classes from which petit jurors were always selected.—All those persons, having no political bias whatever, had strongly expressed their opinions in favour of an alteration in the penal code. So much as to the testimony of the country; and now he would ask, why, in so many cases of forgery, were there so few prosecutions? Did it arise from any consideration of expense, which opulent bankers and traders would be put to in carrying on a prosecution? Did it arise from any consideration of trouble to persons who had their agents and clerks to attend for them? Did it arise from any apprehension that discredit would be thrown upon the houses, when the fact of a forgery being committed on a banking house, was rather evidence of its opulence and credit? It was clear that none of these motives prevented prosecutions. What, then, were the motives? In cases of private forgeries, the persons implicated generally were clerks, confidential persons, and not unfrequently relations; against such persons there was a natural unwillingness to proceed to extremity. Such persons, without gross and settled depravity of heart, were often in fatal moments—in moments of distress,

occasioned too often by vicious indulgence, surprised into the fatal act. There always had been, and he thanked God there still existed in the breast of a British merchant, the humane and generous feeling that prevented him from proceeding to take away the life of a person so circumstanced. He could not without emotion, behold the falling tear, and hear the faultering voice of one who, however fallen, had once been an object of his respect, his confidence and affection. He could not listen with indifference to the supplications of the nearest relatives of the unfortunate criminal, to spare that life which, though lost to all that could make it honourable and happy, was yet an object of their last solicitude. Indeed, the hon. member for Barnstaple had said, that in many cases of private forgeries, the prayers of the family of the criminal prevailed upon the bankers not to proceed to the last extremity. The fact was so—and so would it always be whilst the feelings of humanity were opposed to the severity of the law. His hon. and learned friend the solicitor-general had said, that in cases of private forgeries, there was a reluctance to prosecute, occasioned by the nature of the punishment—That was, in fact, admitting the entire case—the severity of the sentence was the great obstacle in the way of public justice—for such cases people felt a natural horror to prosecute. It was said, that he called for secondary punishments. In the first place, he would say, that in cases of private forgery, it followed as an inevitable consequence, that the guilty party destroyed his character, blasted his hopes, and stood for ever excluded from his nearest, dearest, and most valuable connections. Thus, in fact, he endured what might be called the punishment of nature; and it would be right to bear that punishment in mind when awarding the legal punishment to his crime. On such persons he would inflict effectual punishments; he would confine them in prisons and in hulks, subject to severe labour—a terrible punishment to persons brought up in soft habits; accustomed perhaps to luxurious indulgence, unaccustomed certainly to manual labour. Upon the subject of wills he confessed he was not prepared to decide upon that branch of the question; but if the bill went into a committee, he should there be most happy to hear any suggestion to make an exception for such crimes. There was the widest difference betwixt private forgery, and the forging of Bank notes. In the latter case, there was no private feelings in operation to produce a reluctance to prosecute. A public prosecutor was employed, who had to consult his feelings of duty, and to act upon them alone. And who were the forgers in these cases? It was true that the forgers were seldom taken, and that the utterers generally suffered for the crime. But, how different was the case of a forger of Bank notes, to the person who forged privately. Instead of being a youth who had fallen in the hour of temptation, he was a man whose very occupation was villany, whose life was spent in bringing others to death and infamy. For these reasons he thought the bill would be a great public service. It would tend to decrease the crime of private forgery, and it would make the distinction clear between the forger and the first utterer of the note, and those who might be in possession of it afterwards. It would remove that darkness in which this question was at present so much enveloped, as to require a person who had been almost bred up to the practice as a profession, to discover what were the merits of a case of forgery. He again complimented his hon. friend (Mr. Buxton) upon the admirable manner in which he had argued the question. His hon. friend had laid down the great principles upon which they ought to act, and he (sir James) had endeavoured to apply them to the law for punishing the offence of forgery. If he had been at all successful in those endeavours, it was to his hon. friend that the House and the country were indebted.

The *Attorney-General* said, he had to complain of the manner in which the hon. and learned member had brought forward the present measure. He certainly did expect to have heard him open the subject with something like a general explanation of the principles upon which his bills were founded. As, however, he had not done so, his hon. and learned friend must excuse him if he stated, that he had just left the question where it was before he touched it. That being the case, and considering the lateness of the hour, he should not enter into the merits of the bill. He objected to it, because the punishment of death was effective to prevent private forgeries, and the permission of pleading to the minor offence for forgery of Bank notes had increased that offence. If he required another argument to support

his opinion, he thought the House should wait for the return of the commissioners who had been sent out to New South Wales. At the best, he thought the measure was premature, and under these considerations he should give it his decided opposition.

The question being put, "That the words proposed to be left out do stand part of the question," the House divided: Ayes, 118; Noes, 74. The bill was then committed; and at two in the morning, the House adjourned.

List of the Majority and also of the Minority.

MAJORITY.

Allen, J. H.
Attwood, M.
Acland, sir T.
Baring, sir T.
Baring, A.
Barnard, visct.
Barrett, S. M.
Becher, W. W.
Bennet, hon. H. G.
Benett, J.
Benyon, B.
Birch, J.
Brougham, H.
Bury, visct.
Byng, G.
Belgrave, visct.
Bentinck, lord W.
Blake, sir F.
Bent, J.
Baillie, S.
Calvert, C.
Calvert, N.
Chaloner, R.
Calcraft, J.
Carter, J.
Cavendish, H.
Cavendish, C.
Clifton, visct.
Clifford, capt.
Colborne, N. R.
Concannon, L.
Cooper, R. B.
Cripps, J.
Calthorpe, hon. F.
Courtenay, W.
Child, W. L.
Corbett, P.
Denison, W. J.
Denman, T.
Duncannon, visct.
Doveton, G.
Deerhurst, visct.
Dowdeswell, E.
Ellis, hon. G. W. A.
Ellice, E.
Fitzroy, —
Folkestone, lord
Frankland, R.
Gladstone, J.
Gordon, R.
Graham, S.
Grenfell, P.
Griffiths, J. W.
Gurney, H.
Harbord, hon. E.
Heron, sir R.
Hobhouse, J. C.
Hornby, E.
Hume, J.
Hutchinson, hon. C.
Handley, H
Johnson, col.
Jervoise, G. P.
Lester, B. L.
Lennard, T. B.
Lawley, F.
Langstone, J. H.
Macdonald, J.
Money, W. T.
Mackintosh, sir J.
Musgrave, sir P.
Martin, J.
Martin, R.
Milbank, M.
Milton, visct.
Monck, J. B.
Moore, P.
Moore, A.
Nugent, lord
O'Callaghan, J.
Ord, W.
Palmer, C. F.
Phillimore, Dr.
Parnell, sir H.
Phillips, G. jun.
Price, R.
Pryse, P.
Ramsden, J. C.
Ricardo, D.
Rowley, sir W.
Rumbold, C.
Russell, lord W
Russell, lord J.
Rice, S.
Stopford, lord
Smith, J.
Smith, W.
Smith, R.
Scarlett, J.
Stanley, lord
Tennyson, C.
Tulk, C. A.
Tierney, rt. hon. G.
Vernon, G.
Wells, J.
Ward, hon. J. W.
Wilmot, R.
Wilberforce, W.
Whitmore, W. W.
Wynn, sir W. W.
Wynn, C. W. W.
Webbe, E.
Western, C. C.
Whitbread, S. C.
Williams, T. P.
Williams, W.
Wilson, sir R.
Wodehouse, E.
Wood, M.

TELLERS.

Buxton, T. F.
Lushington, Dr.

PAIRED-OFF.

Aubrey, sir J.
Anson, hon. G.
Bernal, R.
Crespigny, sir W. D.
Creevey, T.
Davies, T. H.
Fergusson, sir R. C.
Guise, sir W.
Heathcote, G. J.
Hill, lord A.
Maberly, J.
Newman, R. W.
Powlett, hon. W.
Robinson, sir G.
Sefton, earl of
Smith, S.
Taylor, M. A.
Tynte, C.
Tavistock, marq. of
Wharton, J.
Whitbread, W. H.

MINORITY.

Arbuthnot, rt. hon. C.
Apsley, lord
Bathurst, rt. hon. B.
Binning, lord
Beckett, rt. hon. J.
Barry, rt. hon. J. M.
Buchanan, J.
Bright, H.
Bankes, H.
Bankes, G.
Boughey, sir J. F.
Browne, P.
Bourne, rt. hon. S.
Brecknock, lord
Brownlow, C.
Chetwynd, G.
Clive, lord
Clive, H.
Collett, E. J.
Cockburne, sir G.
Curteis, J. E.
Cheere, E. M.
Clerk, sir G.
Drummond, J.
Douglas, W. R. K.
Downie, R.
Egerton, W.
Eliot, hon. W.
Fane, J.
Gifford, sir R.
Gordon, hon. W.
Greville, hon. sir C.
Goulburn, H.
Giddy, D.
Huskisson, rt. hon. W.
Harding, col.
Holford, G. P.
Hotham, lord
Harvey, adml.
Londonderry, marq. of
Lushington, S. R.
Lowther, J.
Lowther, J. jun.
Luttrell, J. F.
Long, sir C.
Lenox, lord
Lewis, W.
Marjoribanks, sir J.
Morland, sir S. B.
Osborne, sir J.
Ommanney, sir F.
Pole, rt. hon. W. W.
Phipps, hon. E.
Pitt, J.
Peirse, H.
Paxton, W. G.
Rae, sir W.
Robinson, rt. hon. F.
Russell, J. W.
Rogers, E.
Robarts, A.
Rickford, W.
Scott, hon. W.
Sotheron, adml.
Scott, S.
Somerset, lord G.
Stuart-Wortley, J. A.
Tremayne, J. H.
Wemyss, J.
Wilson, T.
Wallace, rt. hon. T.
Wells, J.
Wyndham, W.
Yarmouth, earl of

TELLERS.
Copley, sir J.
Nolan, M.

PAIRED OFF.
Ancram, lord
Ashurst, W. H.
Bathurst, hon. S.
Cocks, S.
Curtis, sir W.
Dalrymple, A. J.
Holmes, sir L. S.
Jenkinson, hon. C.
Lowther, lord
Lewis, T. F.
Manners, lord R.
Mountcharles, lord
Percy, hon. capt.
Portman, E. B.
Ryder, rt. hon. R.
Sheldon, R.
Smith, C.
Strathaven, lord
Warrender, sir G.

HOUSE OF LORDS.

Thursday, May 24.

GRAMPOUND DISFRANCHISEMENT BILL.] On the order of the day for the third reading of this bill,

The Earl of *Harrowby* objected to the arrangement by which four members were to be elected for the county of York. He thought it would be much better to give the two members taken from Grampound to a district of the county, including certain towns, as Leeds, Huddersfield, Wakefield, &c. This would obviate the great inconvenience that would arise in taking the poll at once for the whole county.

The Earl of *Liverpool* was of opinion, that if it was not thought fit to create a new borough, the members ought to be added to some place which already possessed the right of election. With regard to the inconvenience of taking a poll for the whole county of York, he should have no objection to a proposition for allowing polls to be taken in different parts of the county. But that could only be done by a separate measure.

The Earl of *Harewood* said, that the measure was a departure from every principle by which parliament had been guided in former cases. The county of York was, indeed, completely thrown off its guard with respect to it; for, as the other House had refused to transfer the representation to Yorkshire, no expectation could have been entertained of such an alteration in the bill as that which had been made. As to taking the poll in different parts of the county, that was a scheme to which he objected, chiefly on account of the difficulty of executing it. Who was to be the superintending officer? Would persons be found willing to do the duties of sheriff only for a fortnight? If they did, it was likely they would be electioneering partisans, and therefore not the fittest persons to perform such a duty. The House of Commons had already resolved, that the representation of Grampound should not be transferred to the county of York. How, then, could their lordships expect that that House should now agree to an arrangement which it had so recently decided against?

The House divided: Contents, 39; Not-contents, 12. The bill was then read a third time and passed.

HOUSE OF COMMONS.

Thursday, May 24.

MOTION RESPECTING THE FOUR AND A HALF PER CENT DUTIES.] Mr. *Creevey* rose to make his promised motion respecting the Four and a Half per Cent. Barbadoes and Leeward Island duties. He had on a former evening called the attention of the House to this subject. Of its importance no person could express a doubt who felt the necessity of making every just and possible retrenchment. The persons who questioned his law, and opposed his views on this subject, were certain ladies and gentlemen of high rank, who put into their own pockets the fund that should be applied to colonial purposes alone. One would have thought that the guardians of the public purse would have received with satisfaction any suggestion on this head; but when it was considered that many of those guardians themselves received part of this fund, the House would see that he had a difficult task to perform when he attempted to restore it to the purposes to which, in justice, and in law, it ought to have been applied. He would for the present take the case of the island of Barbadoes only. With respect to the law of the case, he would recite the colonial act, dated 12th Sept. 1663, by which the duty of 4½ per cent. on all goods the product of the island, which should be shipped from thence, was granted to his majesty for the purpose of keeping up the honour and dignity of the government in the Island, and for building and keeping fortifications and other public works in repair. In that act he saw nothing with respect to pensioners of the Crown; he did not see one single word to authorize the appropriation of those duties to pensions for lords and gentlemen, and more particularly members of that House. The obvious intention of the act of 1663 was however departed from; and about 40 years after that act had been passed, a

petition had been presented to that House from the merchants and planters of Barbadoes, in which they stated that the duties had been applied to other purposes than those pointed out by the act, and that the fortifications were in consequence allowed to go to decay. The petition was referred to a committee, and that committee reported, that the complaint of the petitioners was a just complaint; accordingly an address was presented from that House to queen Anne, praying that the funds might be restored to the purposes for which they were originally intended. The answer of the queen informed the parliament, that she had given directions that the funds should, in future, be appropriated to the purposes of the colonial act; and in the settlement of revenue on the queen, made in a day or two after, those duties were excepted by name. That exception was made under the eye of lords Somers and Godolphin, men as well able to decide upon the legal appropriation of the fund as the gentlemen opposite. Out of that fund, however, there was an exception of an annuity of 1,000*l.* to be paid to lord Kinnoul, who was the representative of the earl of Carlisle, the former grantee of the island of Barbadoes. Under the peculiar circumstances the annuity to lord Kinnoul was not unreasonable; yet when he stated the circumstance the other night, the right hon. gentleman opposite seized upon the fact, as if it afforded an argument for the total misapplication of the fund. The anxiety with which the right hon. gentleman seized upon this grant to lord Kinnoul, showed how anxious he was, that himself and those who with him received those duties in grants and in pensions, to sail in the same boat with lord Kinnoul. It was said that the late lord Chatham and Mr. Burke had large pensions chargeable on that fund; he lamented the fact, but custom did not make the law, and he had precisely the same right in 1821, to call for the appropriation of those funds, as the parliament of 1702 had. He regretted that pensions should have been granted out of that fund to lord Chatham and Mr. Burke. It shewed the danger of abuse; for no sooner did these great men accept of pensions out of the fund, than half the illegitimate children at the west end of the town were quartered upon it; between those and peers and peeresses and members of parliament, the whole of that fund was exhausted. In looking to the means of restoring that fund to the object for which it was granted, he could do no more than lay before them the plain words of the colonial act; the address of the House in 1701; and the answer of queen Anne. It was not his intention to deprive daughters and sisters and widows of the pensions chargeable on that fund. However improperly granted, he was willing that the pensions should remain during the lives of those who held them; but in future he hoped that the House would feel themselves, under the circumstances, bound in law and in justice—in propriety and in decency—to make the fund available to the intentions of the act of 1663. With respect to the duties of the Leeward islands, though the words were not so explicit, he thought the law was equally plain. He had no objection, however, that all the colonial acts should be referred to a committee to report their opinion as to the true intent and meaning of these acts. The hon. gentleman concluded by moving,

"That it appears to this House, by an act of the colonial assembly of the island of Barbadoes, bearing date the 12th of September 1663, stating, amongst other things, 'that well weighing the great charges there must be of necessity in the maintaining the honour and dignity of his majesty's authority here, the public meetings of the sessions, the often attendance of the council, the reparation of the forts, the building a sessions-house and prison, and all other public charges incumbent on the government, did, in consideration thereof, give and grant unto his majesty, his heirs and successors, for ever, the following imposts or customs, that is to say, upon all dead commodities of the growth or produce of this island, that shall be shipped off the same, shall be paid to our sovereign lord the king, his heirs and successors, for ever, four and a half in specie for every score:

"That it appears to this House, by reference to its Journals, that on the 16th day of March 1701, a petition was presented from the agent, planters, and merchants of Barbadoes, stating that the said duties of 4½ per cent. which had been granted by the said colonial act of 1663, for the reparation and building of fortifications, and defraying all other public charges incident to the government there, had been collected, by officers appointed by the commissioners in England, and applied to other uses; and praying

that the said duty of 4½ per cent. might be applied to the uses for which it was given:

"That on the 24th of March following, an humble address was voted from this House to her majesty queen Anne, praying that the said duty or impost of 4½ per cent. arising in Barbadoes and the Leeward islands, subject to an annuity to the earl of Kinnoul (which earl of Kinnoul was the representative of the earl of Carlisle, the former grantee or patentee of the island of Barbadoes), might be applied for repairing and erecting such fortifications, and other public services for the safety of the said islands, as her majesty should direct, and that an annual account how the said duties were expended should be laid before the House of Commons; and further, that on the 30th of March following, Mr. Secretary Vernon reported to the House, that her majesty had been pleased to say she would give directions that the duty of four and a half per cent. should be applied in the manner prayed for, and that an annual account should be kept of the same duties:

"That, notwithstanding such specific appropriation of the 4½ per cent. duty, by the colonial act of the island of Barbadoes of 1663, confirmed as it was by the proceedings in this House in 1701, above referred to, the said fund at present, though amounting, according to the last return, to 22,000*l.* and upwards, is nearly exhausted in pensions granted by the Crown to different persons in this country, whilst a sum of 7,500*l.* has been voted this year out of the public money, for repairing the fortifications, and other public services, in the island of Barbadoes.

"That, under all the circumstances above referred to, this House is of opinion, that the duty of 4½ per cent. imposed upon the island of Barbadoes by the colonial act of 1663, is a fund, duly, strictly and legally applicable to defraying the expenses of fortifications, and other public purposes in the said island; and that more particularly, in the present distressed situation of this country, it is the bounden duty of this House to see this fund so applied, and to prevent it from being exhausted in pensions."

Mr. *Goulburn* was not surprised at the hostility which some hon. gentlemen felt towards this fund, as they were evidently unacquainted with its real history. Many publications had of late issued from the press, which professed to give a history of it, but which proceeded from men who either knew nothing of the subject, or who intended, for purposes which he would not mention, to mislead those for whom they were writing. To this class belonged an address which had been published to the electors of Great Britain. That address, in giving a history of this fund, had made several observations regarding its origin which were totally unfounded; and though the hon. gentleman had not fallen into the same errors, he had fallen into some scarcely less material. The hon. gentleman had read the preamble of the colonial act to the House, from which it appeared, that the fund was granted for various purposes, though he had chosen to affirm, that it was only granted for the repair of the fortifications in the Leeward islands. Now, this was not the fact, as the funds in question had been granted in 1663 to the Crown, for the renunciation of certain rights which then belonged to it. That those funds had never been intended for the repair of the fortifications was clear from this consideration, that in the years 1665, 1666, and 1681, sums of money had been raised by the colonial legislature expressly for that object. That those funds were intended for the sole use and benefit of the Crown was established by another fact; namely, that in 1684 the colonial legislature had offered to pay into his majesty's exchequer in London, to be at his majesty's own disposal, the sum of 6,000*l.* annually, as a commutation for the duties levied in the island. These points being established with regard to the light in which this fund was contemplated by the colonial legislature, it next became his duty to consider how it had been viewed by the British parliament. Now, in the reign of king William, parliament had taken, and by name applied it to the civil list. What connexion there could be between the civil list and the purposes to which the hon. gentleman had said the fund ought to be applied, he could not well see. The later proceedings in the time of queen Anne clearly demonstrated to his mind, that the then parliament conceived its predecessor to have acted improperly in appropriating to such purposes as it thought proper funds which belonged absolutely and without control to the Crown. At the commencement of the reign of George 1st, this 4½ per cent. fund was mentioned in the Civil List act, for the ex-

press purpose of placing it on the same footing as the funds belonging to the duchy of Cornwall. Its history from that period there was no occasion for him to repeat, as in each succeeding reign it was considered as of a similar nature with the revenues of the duchy of Cornwall. So much for the light in which parliament contemplated the funds in question. The hon. gentleman had stated, that they were distributed amongst lords and ladies and members of parliament, and that no part of it was applied to colonial purposes. On that head he was also much mistaken, as in the year 1818, 15,000*l.* out of 25,000*l.* which it produced, was applied to the use of the colonies. He defied any hon. member who read the acts of the Leeward islands relative to this fund, to entertain a doubt regarding the construction of any of them; and yet the hon. gentleman wished to refer them to the consideration of a committee. He concluded by stating that the 4½ per cents. were expressly granted by the colony to his majesty, because he had given the island a constitution; and by moving the previous question.

Mr. *Bernal* entered into an historical review of the government of the island of Barbadoes, and adverted to the rapacious measures pursued towards the colonists in the reign of Charles 2nd. At that period the earl of Carlisle obtained a proprietary grant of the revenues of the island, and afterwards consigned the interest for a limited period to the earl of Pembroke, from whom it passed to a merchant on the island. The second earl of Carlisle at a subsequent period leased out his interest to lord Kinnoul, who again transferred his right to lord Willoughby; and these successive persons conducted themselves with so much rapacity, that the colonists were under the necessity of claiming the protection of king Charles. They begged permission of that unprincipled monarch to try at law the validity of the letters patent under which the exactions had been carried on; but the king, instead of granting this request, referred the matter to certain lords of his council, of whom the earl of Clarendon was one; and the conduct then pursued was among the grounds of charge adduced in the subsequent impeachment of that earl. This duty of four and a half per cent. was first proposed to the colonial council, by a colonist named Kendall, who had acted without the authority of the people of Barbadoes. The duty was strongly resisted, at the time, by the local legislative assembly; and the governor sent home some of the inhabitants, under charges of mutiny and high treason for that resistance. Thus, the act of 1663, instead of being a voluntary act of the assembly at Barbadoes, was one which had been extorted from them by the oppressive power of the Crown. But even then the stipulation made by the government was, that the public burdens of the island should be alleviated out of the duty—the governor's salary, for instance, as well as lord Kinnoul's incumbrances were paid therefrom. A sessions-house and other improvements were to be made at the same time, not one of which conditions was carried into effect according to the original stipulation. The government also broke faith with the colonists, in not exempting from the duty, according to the terms of the express stipulation, a spot comprehending 10,000 acres of merchants' land. So completely was the violation of the treaty apparent, that in 1701 precisely the same proposition was made which his hon. friend had now submitted to the House. Why not, then admit in 1821, the same understanding upon the subject of that compact, which had been sanctioned by the legislature one hundred and twenty years ago?

Mr. *Bennet* said, he was not surprised that the hon. member opposite should endeavour to get rid of the force of the colonial act, by saying that the colonists had subsequently submitted, and acknowledged the error into which they had fallen. They had indeed submitted; but to what? To the encroachment of the strong—to the arbitrary plundering of an oppressive government. He expressed his concurrence in the construction of the acts, as they had been quoted by his hon. friends, and contended that the act of George 1st. threw back the produce of these 4½ per cent. duties to their original design, namely, the maintenance of the local government at Barbadoes. For a long succession of years that appropriation had actually taken place, and it was not until 1796 that a different system grew up, and pensions were assigned from this fund. At first they were comparatively small; lord Auckland and sir Grey Cooper received 1,200*l.* or 1,300*l.* a year out of it; soon after, however, the duke of Gloucester was assigned 9,000*l.* a year from it; but the fund falling short of the

incumbrance in the year 1787, the duke of Gloucester's pension was transferred to the consolidated fund. But when this colonial revenue was afterwards augmented, the pension was not recharged upon it, as it ought to have been; and government proceeded to give largesses out of it, which altogether alienated the fund from its original destination. This was one of the most disgraceful acts of Mr. Pitt and his successors. In 1796, Mr. Burke received 7,500*l.* out of this fund; and he and his heirs had ever since enjoyed a pension of 2,500*l.* a year from the same source. This sort of alienation ought to be permitted no longer. The fund ought to be applied in reduction of the local expenses of Barbadoes; and whatever surplus remained, ought to go, not to the Crown, but to the general credit of the public expenditure. The Crown had already ample means for granting pensions. It had 300,000*l.* a year independent of parliament for that purpose. Thinking that the motion was founded both in law and expediency, it should have his decided support.

Mr. *Hume* observed, that with respect to the 4½ per cent. duties, there had been no return of their produce or application laid before the House since the year 1818. These duties had always been credited to the public, and formed part of the public revenue, up to 1778. Until 1796, indeed, some portion of this fund was returned as part of the public revenue; when it disappeared altogether, having been exhausted in pensions granted by his majesty. But, as the individuals to whom those pensions were granted happened to fall, it was surely fair that the surplus should be appropriated to the use of the public. That was the object of his hon. friend, and in this object he called upon the landed gentlemen to support him.

Sir *C. Long* read extracts from two reports of the finance committee on this subject; and from these he inferred, that the committee had recognised the right of the Crown to the 4½ per cent. duties, and that they formed no part of the public revenue. He also noticed that Mr. Burke's bill did not at all interfere with the fund in question, though the attention of parliament had been particularly called to the subject, and contended that the grant to the earl of Kinnoul was just as illegal as any of those subsequently made. In conclusion, he adverted to the anonymous slanders circulated against him on this subject. If the hon. mover was the author of the pamphlet alluded to, he hoped he would in future attack him openly and fairly in the House, where he should be ready to answer him.

Mr. *Creevey* shortly replied, relying upon the act of 1663, and contending that his case was unshaken by any thing said in answer to his motion. He asked for the relinquishment of no pension, but merely that the matter in future should be put upon a clear, fair, and intelligible footing.

The previous question being put, the House divided: Ayes, 52; Noes, 73. Majority against Mr. Creevey's motion, 21.

List of the Minority.

Bury, lord	Moore, A.
Boughton, sir W. R.	Maxwell, J.
Bennet, hon. H. G.	Martin, J.
Brougham, H.	Maberly, J.
Blake, sir F.	Newport, sir J.
Calvert, C.	Ossulston, lord
Chaloner, R.	Ord, W.
Denison, W. J.	Parnell, sir H.
Ellice, E.	Phillips, G.
Fitzroy, lord C.	Palmer, C. F.
Fergusson, sir R. C.	Russell, lord J.
Forbes, C.	Robinson, sir G.
Guise, sir W.	Ramsbottom, J.
Gordon, R.	Robarts, col.
Gurney, H.	Rumbold, C. E.
Heron, sir R.	Ricardo, D.
Harbord, hon. E.	Smith, hon. R.
Hume, J.	Scarlett, J.
Hobhouse, J. C.	Sebright, sir J.
Hornby, E.	Taylor, M. A.
James, W.	Western, C. C.
Lennard, T.	Wilson, sir R.
Lockhart, J. J.	Wilson, T.
Lester, B. L.	Williams, W.
Milton, lord	Webb, col.
Macdonald, J.	TELLERS.
Monck, J. B.	Creevey, T.
	Bernal, R.

Mr. *Creevey* maintained the correctness of the assertion which he had made, that the 4½ per cent. duties were exhausted in pensions to members of parliament and their connections. He was in possession of the names of members of that House who received pensions to the amount of 13,000*l.* a year from this fund. He concluded with moving, "That it appears to this House, there is a duty of 4½ per cent. accruing to the Crown upon certain produce from the island of Antigua, St Christopher, Nevis, Montserrat, and Tortola; and that these duties, though considerable in amount, are nearly exhausted in pen-

sions granted by the Crown to different persons in this country, whilst large sums are annually voted from the public money for the protection and defence of the said islands; and that this House is of opinion, that the different colonial acts creating the said duties of 4½ per cent. ought to be referred to a Select Committee, for their examination and for the purpose of reporting upon the same to this House."—The motion was negatived.

Occasional Votes Bill.] Mr. *W. Williams* rose to introduce a bill to prevent fraudulent votes being given at the election of members to sit in parliament. That an evil existed in the election of members for particular cities and boroughs, by individuals giving occasional votes, arising from freeholds under 40*s*. a year, could not be doubted. Many cases of this description had been investigated by committees of that House, and various decisions had been come to. He would briefly state the object he had in view. His intention was, to extend the laws by which county elections were regulated, to the election of members of parliament for certain cities and boroughs. But, as he had already learned the sense of the House on one part of the measure which he had projected, he wished it to be understood that without giving up the opinion which he originally held on the subject, he meant that burgage tenures should be exempted from the operation of the bill. He thought his bill entitled to the support of every gentleman in the House. His object was, to oppose fraud, and fraud only. He did not wish to interfere with real property of any description, or to take away the right of election from those who justly possessed it; but he could not consent to allow it an influence beyond that which was acquired by a fair, open, and honest expenditure. He concluded by moving for leave to bring in a bill to prevent occasional votes arising from freeholds under 40*s*. a year, in certain cities and boroughs.—Leave given.

Vagrant Laws Amendment Bill.] Mr. *Chetwynd* said, he took the earliest opportunity of obeying the directions of the select committee, appointed a short time since to inquire into the laws respecting Vagrants, for the purpose of bringing forward a measure in conformity with the report of that committee, as to the best means of apprehending, punishing, and passing them. Every gentleman must be acquainted with the great expense that was incurred in passing vagrants to their respective settlements. It amounted to not less than 100,000*l*. a year; and he could see no practical good which resulted to the country from that inordinate expenditure. The first question would naturally be, What remedy do you propose to obviate the existing grievance? He would, then, in the first place, recommend that the present system of passing vagrants from county to county should be suspended for one year, or for a given period. It was quite clear, that vagrants rarely reached the parish by which it was intended they should be supported; and when they did arrive at their place of destination, they received but little relief. The consequence of this was, that they immediately absconded, and returned to their former practices. The passing of vagrants was, in fact, considered a mere matter of form, as might be collected from the following fact:—A man who carried a monkey through the country, as the means of earning a subsistence, was taken up for begging. A pass was made out for his conveyance to Scotland, on an allowance of 8*d*. a day. The pauper complained that 8*d*. a day was too little to support himself and his monkey. But the justice's clerk, who had been highly amused with the tricks of the animal, told the vagrant that he would provide for both; and he accordingly filled up a pass for the monkey, under the name of John Strange. With these passes the vagrant and his monkey were sent forward from the north riding of Yorkshire to Scotland. The second point was, that a longer period of imprisonment should be assigned before the passing of any vagrant, than could be awarded under the present law. As the law was now constituted, the magistrate must commit for seven days; which commitment was no punishment whatsoever. He would propose that the vagrant should not be committed for a shorter period than one month for the first offence, and that he should during that period be kept to hard labour. Vagrancy had, by the laws of England, been always considered a crime; and it should therefore be punished as a crime. He would further propose that the magistrate, when the vagrant had expiated his offence by imprisonment, should be empowered to present him with a portion of his earnings, for his support. The third alteration

which he wished to introduce was the abolition of the present system of rewards; according to which individuals apprehending vagrants were entitled to claim *5s.* or *10s.* This system had been very much abused. Of that fact he had formerly given many instances which he would not now reiterate. His fourth proposition would be, that a power should be given to magistrates to bind over constables to prosecute for a repetition of the offence of vagrancy. The law on this part of the subject was at present extremely deficient; the consequence of which was, that confirmed vagrants often went unpunished. The fifth alteration would be, to do away with walking passes altogether. His great object was, if possible, to put an end to vagrancy, which had actually become a trade. He then moved for leave to bring in a bill "to amend the laws now in force relating to Vagrants."

Mr. *Scarlett* adverted to the absurdity of the present system of the laws, by which vagrants were sent to their places of settlement, to receive precisely the same punishment which might have been inflicted upon them in the first instance. If it was necessary to punish vagrants at all, surely the cheaper and more expeditious mode would be to punish them in the place where the act of vagrancy was committed, instead of sending them from one end of the kingdom to the other at a great public expense. This view of the question was calculated to illustrate the arguments which he had urged on a former occasion with regard to the law of settlement. In fact, to send a pauper to his place of settlement, was in most cases to send him to a place where he had no connexions, and no means of obtaining a livelihood. He hoped, therefore, that his learned friend would propose some measure to limit the discretion of justices in this respect. The mere circumstance of a man being reduced to necessity, was not in itself to be regarded as a crime; it was only against the sturdy, incorrigible vagrant, that the penalties of the law were directed.

Mr. F. *Lewis* contended that there was no place in which a vagrant was so likely to abandon his idle habits, and apply himself to useful labour, as that in which the law emphatically styled him to be last settled. There would be difficulty in dealing with a part of the system of the Poor-laws, without considering in what way the whole would be affected by such a partial application of a remedy.

Mr. *Lockhart* observed, that this bill did not touch the real question, namely, whether vagrancy was or was not a crime? There were many classes of vagrants known to the law. Beggars, for instance, who solicited charity; others, who did not actually solicit alms, but who carried on some foolish and trifling business; and, a third class, who endeavoured to excite pity, by the exposure of some bodily infirmity. All these came under the operation of the present law. He was of opinion, that vagrancy might be effectually checked, without having recourse to a multiplicity of prosecutions. Suppose a beggar applied for charity; what was the best way of repelling him? Why, give him nothing. If this principle were acted on, men would soon see the necessity of exerting themselves to obtain a livelihood. The vagrant, instead of being passed to his settlement at the public expense, ought to be compelled to proceed thither as well as he could. The effect of a restrictive system, by which each parish could only incur a specific expense, would, he conceived, be beneficial. At present, the poor were taught, not to rely on their own exertions, but on the exertions of others; and the consequence was that they ceased to be saving, industrious, and economical. The bill was that sort of measure which, if carried, would lead the country to believe that they meant to continue, with some modification, that destructive system which had too long prevailed.

Mr. *Cripps* said, that if the House acceded this session to the measure proposed by Mr. Scarlett, undoubtedly the present bill must go hand in hand with it. But if that measure should not be carried this session, he hoped the House would agree to try an experiment, which, as the measure was limited only to one year, could at any rate produce no very injurious consequences.

Mr. *Monck* observed, that, by the laws of this country, no man was permitted to starve and die of want. Some relief, therefore, must be afforded to destitute persons; and though, in a general point of view, it was a matter of indifference to the country, whether that relief were afforded in one place or another, it was by no means a matter of indifference to A. and B. the two parishes, which was to be burthened with the permanent support of

such persons. It was with a view to such interests that vagrants were sent to their place of settlement by the existing law, and he could not therefore agree to a plan which would have the effect of subjecting vagrants to an eternal round of punishments in the place where the first act of vagrancy was committed.

The Marquis of *Londonderry* said, the subject was full of conflicting difficulties, and the object of the legislature must be to find that alternative, which was liable to the smallest share of objection. The House was scarcely in a situation to discuss this question with advantage, since they had neither the report of the committee, nor the bill before them. He could not but suggest, therefore, that the question would be more advantageously discussed on the second reading of the bill.

Mr. *Harbord* wished for an improvement in the system, and for an alteration, of the treatment experienced by vagrants in houses of correction, so as to ensure *their being put to hard labour.* An hon. member seemed to think, with a view to putting a stop to vagrancy, it was only necessary to refuse the beggar relief. This plan might answer for a society in a state of nature, but was inapplicable to one in our present artificial state; and could not be reconciled with the principles of our religion.

Leave was given to bring in the bill.

Poor Relief Bill.] Sir *J. Graham* presented a petition in favour of the principle of this bill, from the inhabitants of Marylebone.

Mr. *Scarlett* expressed his satisfaction that this populous and respectable parish approved of the bill. It was his intention to modify it in a future stage, so as to prevent any inconvenience being occasioned to local interests.

Mr. *Curteis* observed, that the bill had met with the approbation of a large body of the inhabitants of Sussex.

Mr. *Mansfield* said, he had been requested by his constituents to express their disapprobation of the bill. They considered it not only highly impolitic but impracticable, at a period, when so great a number of labourers, both in the manufacturing and agricultural districts, were unable to obtain employment.

Mr. *Curwen* expressed a hope that the learned gentleman would not press his measure at the present moment; as he was convinced, from the generally distressed state of the country, that it would be impossible to carry its provisions into effect.

Mr. *Birch* presented a petition from the parish of St. Mary, Nottingham, against the bill, which they believed would, if carried into effect prove ruinous to the country.

Mr. *Scarlett* observed, that out of the great multitude of communications which he had received on the subject, very few were opposed to the bill in principle.

Mr. *Jenkinson* thought that the learned gentleman deserved the thanks of the country for having brought before the House a measure on this most important subject.

Mr. *Calcraft* said, his learned friend deceived himself if he thought the bill met with general approbation. He trusted he would not press it this session, and referred to an official statement he had received from Broadwater in Sussex, showing that the poor-rates could be lowered under a proper administration of the present laws.

Mr. *Lawley* said, that in Warwick the opposition to the measure was general.

Mr. *Lockhart* could not agree that the rates could be lowered under the present system. He hoped the measure would be discussed, in order that the opinion of ministers might be known. The reduction was often not so great as it appeared. The poor-rates were generally estimated at 8,000,000*l.* a year. He had no doubt that in the present they would not exceed 6,000,000*l.*; and yet there would be no real decrease.

Mr. *D. Browne* said, that the poor-rates amounted to a sum as great as was necessary for carrying on the purposes of the British government on the accession of the late king. Unless something was done to stop the evil, the entire property of the country would ultimately be taken out of the hands of the ancient proprietors.

Mr. *F. Palmer* contended that the rates might be diminished under the existing laws. In Oakingham they were reduced last year 4*s.* in the pound. In the two counties with which he was connected, he had not seen an individual who was disposed to support the bill.

Mr. *Scarlett* said, that if the subject had not frequently been brought under the consideration of parliament and the public, he would have been more ready to accede to the wish of some of his friends to postpone the bill. But as the principle of

it had frequently been discussed, he could see no reason for postponing it. With respect to the objections from great towns, it was his intention to introduce a clause in the bill for the purpose of providing a remedy against the possible and prospective inconvenience apprehended by them. As to the country and the agricultural classes, his object was not so much to lower the rates, as to improve the moral condition of the poor. If the bill should be postponed to the next session, he had no doubt but that those who had an interest in keeping up existing abuses, would attempt to raise an opposition to it. He did not fear that opposition, but he certainly did not covet it. When it was considered that 500,000*l.* a year was, on account of the poor-rates, expended in litigation alone, the House would see that a multitude of persons had a personal interest in opposing the bill.

The petitions were ordered to lie on the table. On the order of the day being read,

Mr. *Scarlett*, in rising to move the second reading of his bill, commenced by observing, that he wished at the outset to state, that it never was his intention, even when he first proposed the measure, to incumber it with many matters of detail. He was desirous rather to point out to the House the principles upon which he thought the present system of our poor-laws a vicious one, and one which required correction. He had been desirous of putting it in the most simple form, and of calling the attention of the House to what he conceived to be the grand sources of those evils under which we now laboured. He would shortly recapitulate the three great causes of all the various mischiefs and inconveniences which were found to result from our present system of poor-laws. They were to be found, first, in a compulsory and unlimited provision for the poor; secondly, in the administration of that provision, not to support industry, to encourage good conduct, and to be a relief for those who might be disabled by infirmities, but to cherish the vices and the indolence of that class of the poor who were disposed to exist rather on the charity of others, than to depend for their bread upon their own exertions; thirdly (which was the grand and principal source of all those evils, as compared with the others), in the restraint that now existed upon the free exercise of labour. No one was more aware than he was that there were some evils which did not arise out of the principle of these laws, but were rather connected with the character and habits of the poor themselves; and such evils were modified by the benevolent attention and patriotic exertions of individuals, by the activity of magistrates, and by other circumstances affecting the character of the population of the district; but, whatever the evils were, they were ultimately referable to one or all of the three grand sources which he had enumerated. It had been urged as an objection to the bill, that it was a measure affecting the rights of the poor. He acknowledged it did affect the rights of the poor; but then it went to put them on a better foundation. It went to relieve them from their present state of dependence and calamity; but if his learned friend opposite said the poor man had a right to relief who was not labouring under old age, sickness, or infirmity, he would be glad to know in what book he found that law. He challenged him to produce it. The mistakes of individuals and magistrates had put an erroneous interpretation on the statute of Elizabeth: The decision of no court of law confirmed that interpretation, or authorized any such existing right. On the contrary, the courts had held that an order of the magistrates for relieving a poor man was not valid, unless it stated him to be incapable of labour. He would ask, then, in what way the present system operated? Was it not rather to the prejudice of the poor, than to their relief? There was one way in particular. The farmer, finding that he was called on to pay heavy poor-rates, resorted to the practice of diminishing the wages of labour. They thought it best to employ only men who had families, which must receive a certain sum from the parish, and allow them only such wages as would barely allow them to exist. The farmer said, if the parish pay five shillings, and he could get his work done for nine, why should he give more than nine? The unmarried man was consequently reduced to this condition, that he must enter into competition with the other, and must go without employment unless he worked for the same wages. Thus the poor man, who was working almost his blood out, had only before him the melancholy prospect of terminating his life in a workhouse—he had no other refuge. How different was such a man in point of moral existence and affinity

to the state, from him who was enabled to make some acquisitions of property by his own labour, and to lay up for his old age an independent provision! In every point of view, moral, political and religious, the man who hoped to lay by something from his own earnings, was more valuable to society and to himself, than he who was doomed to present labour and prospective wretchedness, without any hope whatever. Another evil was, that a single man, when he found that the farmer employed a man with a family in preference, would be induced to get married, and thus burthen the parish with another family. If the House would consider the effect of the present compulsory and unlimited provision, they would find that it tended to create idleness, misery, and accumulated distress. To make this more evident, he would put a case:—suppose the House thought proper to tax every parish for a provision for musicians, would not the number of persons who understood the *gamut*, be very soon extended, and should we not soon be able to contend with some countries on the continent in the number and skill of our musicians? Just so it was with the poor-laws. They offered a bounty to pauperism, and consequently must lamentably augment the number of paupers. Those laws had the effect of preventing many a man in the labouring classes from earning his own subsistence, because they laid up a provision to which idleness might give him a claim; while those who worked, had to endure the mortifying reflection, that even out of their scanty pittance a portion was to go to the support of idlers and vagabonds. There was a great difficulty here; and it was the first duty of the legislature to remove that difficulty; but such difficulty could never be removed, as long as the class of persons who were reduced to dependence and misery, was multiplied by a compulsory and unlimited provision, and by the continuance of the restraint on labour. It was necessary that there should be a total and unqualified abolition of the law of settlements, as a necessary consequence of the removal of that restraint. The connection established by that law between a man and a particular parish was exceedingly arbitrary; it was a mere accidental relationship. In the first place, it depended on his own birth, or the birth of his father or grandfather: secondly, on the renting a tenement of ten pounds a-year; thirdly, on having served one year on hire, not eleven months, as generally prevailed at present; and fourthly, having served some parish office. Such regulations were very injurious to the subject in many respects.—If a certain rule was wanted, why not take the place in which the man happened to be at the time in which he became chargeable, as one that was certain and admitted of no dispute? He would ask the House to look at the details. Suppose a man, who had worked almost all his life in Manchester or Birmingham, met with a season of great distress, if he had not rented a tenement of the yearly value of 10*l.*, or served a parish office, he was not allowed relief there, but an investigation took place as to where he was born, or perhaps his father, and he was sent off, it might be to some parish in Devonshire or Cornwall, to be supported where he never had worked at all. What connection was there between the temporary relief which he required, and the place which was charged to maintain him? If the House went into a committee, he proposed to meet the inconvenience which might arise from the change in the law. It was stated, that the burthen would be great in particular towns, and he instanced Nottingham; but surely as the provision was not to amount beyond a certain sum, the overseer had a short answer to give to applicants who exceeded the number to which relief could be afforded, namely, that there were not the means, and that they must go elsewhere for a provision. It had been said, suppose some gentlemen of landed property chose to destroy all the cottages on their estates, and turn out the inhabitants, how were they to be supported; but he would ask, what gentleman thought such a case probable, or that landed proprietors could have such a short-sighted view of their own interests? He would propose, that where rates might become very oppressive, other places in which they were not so, should be taxed in aid. He wished to meet the inconveniences stated, though he hoped they were imaginary. It was besides to be taken into the account, that accumulated population gave value to land, and where that population was greatest, as in the neighbourhood of great towns, the value of land was so high as to bear no proportion to that in the agricultural districts; such places as Nottingham were enriched instead of being impoverished by population; for in some of them land went as high as 16

guineas an acre. Another objection to the bill was the *maximum* which it proposed to introduce; and he was free to confess that cases might for some time arise, in which that *maximum* would be found inconvenient. But the legislature ought not to be deterred from adopting a sound and beneficial principle by the fear of temporary inconvenience: let the House adopt the measure, see the effect, retain the principle, and remedy, *pro tempore*, the transient inconvenience. If any gentleman saw such a prospect of temporary mischief, as to call for the enactment of a prospective law, he had a clause which might be made part of the bill, and which supplied a certain cure for the evil. If scarcity of provisions, epidemic disease, or any other circumstance of local affliction should be found to render an allowance necessary beyond the *maximum*, then let a meeting of the inhabitants of the place, not a select vestry, but an open meeting, at which the sense of the people could be taken, have power to make an additional allowance. The system of maintaining illegitimate children, and the mode of imposing rates, were both points upon which improvement might be made; but such arrangements were rather matters of detail, to be treated of after the moving principle should be adopted. It was said that, under the existing laws, rates might frequently be diminished by the vigilance of magistrates. No doubt they might: he knew instances in which such reductions had been effected; but such instances were exceptions to the general rule; and the good effect lasted no longer than the vigilance was maintained. He agreed that the calamities under which the poor were suffering had been produced in a great measure by the increase of taxation. But why had those sufferings been so produced? Because increase of taxation, and the consequent increase in the money price of almost every article of consumption, had not been attended by a proportionate increase in the rate of wages paid to them. The labourer was now paid, not by wages, but by charity: he was demoralised, enslaved, deprived of that independence and self-respect which alone could make him a good man and a useful citizen. All this took place without a single shilling being saved to his employer; nay, the employer, in the end, was a loser by the system. It would be found, almost throughout England, that the state of cultivation in which the land appeared depended in a great measure upon the condition of the labourer by whom it was cultivated. In Lancashire and in the West riding of Yorkshire, where fuel was to be obtained almost for nothing, where living was cheap, and wages were comparatively high, was not the land, in general, in better cultivation than in the southern counties, where wages were low, and poor-rates enormous? It followed, indeed, of necessity, that a man would work better upon a plentiful meal and a prospect of independence, than upon 9*s*. a week, with the prospect of a workhouse. The farmer who paid 200*l*. a year in wages, got more work done for his money, and got it better done, than the man who paid 100*l*. in wages, and 100*l*. in poor-rates. The learned member then referred to some returns which he had received from the parish of St. James, Bath, by which it appeared that, with an increase only of one-third in population during the last 100 years, the poor-rates had increased gradually from 9*s*. 11½*d*. per week to 41*l*. 5*s*. This increase was even now going on. Would the House stem the torrent now, or wait until its force became overwhelming? After some remarks upon the probable effect of the proposed bill, in saving the immense expense incurred by removals, and in putting an end to laws which formed an eternal source of litigation, he concluded by moving, that the bill be read a second time.

Sir *R. Wilson* said, that before the House consented to abrogate the laws of Elizabeth, those laws which Blackstone had described as founded upon the first principles of civilized society, they should look at the artificial state in which, from circumstances, the country was placed. When labour was in many places an unmarketable drug; when corn laws and excise laws prevented the lower orders from obtaining at a low price the necessaries of life; when the poor were many of them absolutely unable to obtain a livelihood, surely they had a right to look for the means of existence, to those who had the power of affording them those means. Let the House beware how they touched that statute of Elizabeth, which was the Magna Charta of the poor, and might be called the palladium of their rights. Men would live; and it was better that they should live by charity than by rapine. The statute of Elizabeth provided that the lame, the blind, and the indigent poor,

unable to work, should have relief in money; and that all persons, married or single, who were able to work, should have labour, and the means of exerting it given to them. That they must have at present immediate subsistence was clear. The hon. and learned member seemed to think that only the sick, the blind, or the impotent were entitled to relief; but how long would it be before the poor who could work, but were unable to find work, fell into that situation? Six-and-thirty hours would go near to qualify the best man in England for such a certificate as, even in the hon. and learned member's view, would entitle him to relief. If a *maximum* was to be imposed upon the poor-rates, why not impose one upon the dormant capital, which in a great measure contributed to throw the poor out of employ? In truth, the *maximum* would do harm; for it would always be looked upon as a *minimum*. The scheme had been frequently tried in other cases, and it had invariably failed. Now, then, to the learned member's anti-matrimonial and anti-population scheme. Such a scheme was incompatible with all the legal, moral, and religious institutions of the country. How could the House check marriage by law, and yet seek to maintain those laws which rendered illicit intercourse a crime? Did hon. members hope that they could control the impulses of nature, and subject human beings to such unnatural restrictions? He would not speak of men only. In what situation did the House place the female part of the community? They were to be shut out from the resource of marriage; and they were liable to ruin and disgrace, if not to absolute punishment, for adopting an intermediate course. They were not to be permitted to marry; and their illegitimate children, if they had any, were to be starved to death. Would any man who had looked into the labourer's cottage say that parish relief was a bounty upon idleness?—that an allowance of a shilling or eighteen-pence a week for a man's second or third child was a premium upon population? Even if this anti-population scheme succeeded, would it not go to increase the very evil of which the landlords complained? Farmers said their prices were too low. Low prices proved excess of produce, and were to be removed, not by abatement, but by increase of population. He could not, for his part, consent to take away the rights of the poor, until every other scheme of retrenchment had been tried. If the poor were at last to be touched, let it at least be evident that such a measure was the result of absolute and inevitable necessity.

Mr. *F. Lewis* could not refrain from offering a few words on that part of the gallant general's speech in which he seemed to consider the statute of Elizabeth as the Magna Charta of the poor, and the palladium of their rights. That he utterly denied. He denied that the House ought to consider that or any other law on the subject as one which they were not perfectly justified in amending, according to the demand of the time, or their altered view of the circumstances of the case. The basis of the constitution was, the security which it gave to all persons in the enjoyment of whatever property they had honestly come by. If it could be shown that the principle of the poor-laws was subversive of that by which property was protected, then it would be evident that such an antagonist principle ought not to be allowed to prevail. The meaning of the statute of the 43rd of Elizabeth was, to inflict compulsory labour by way of punishment, not to afford labour for the mere purpose of maintenance. It was any thing but in the nature of giving the poor personal property.

Mr. *Benett*, of Wilts, observed, that the greatest evil of the poor-laws was, that it rendered the poor man dependent on his superior, and made him so abject a wretch, that he had no object in acquiring property or maintaining a character in society. But, although that was a great evil, yet by its removal there would be danger of inflicting a still greater cruelty on the poor. There could be little doubt that if the existing poor-laws were suddenly repealed, the effect would be general starvation. As to any *maximum* of poor-rates, he could not conceive how that was possible, considering the difference which took place in the price of provisions and the price of labour. With respect to the clause respecting settlements, if the bill passed with that clause, every landed proprietor who had cottages on his estate would destroy them, as the only mode of preserving his property from utter destruction. As to the increase of population, which it was said had been occasioned by the poor-laws, he by no means considered that increase to be, generally speaking, an evil; although it certainly was so at the present moment, in conse-

quence of the peculiar circumstances in which the country was placed. In a great country like this it was rarely indeed that the supply of labour would be found too great.

Mr. *Thomas Courtenay* thought it desirable that the bill should go to a committee, and receive the modifications which the hon. and learned gentleman proposed to introduce into it, with an understanding that when it came out of the committee, it should be discussed by the House. He hoped that the House would then be prepared to come to a decision, as to the principle of the poor-laws. Adverting to the strong protest which the hon. member for Beaumaris had entered against the assertion of the gallant general with respect to the right of the poor to relief, he must say, that he totally disagreed with the member for Beaumaris, and much more nearly agreed with the gallant general. On a future occasion, he should be prepared to contend (if the House would allow him), that the poor, both from the course of our legislation on the subject and from what he might call moral right, had a fair and reasonable claim before God and man for relief, much more extensively than the member for Beaumaris was disposed to allow.

Lord *Milton* said, that for the bill generally he entertained the most friendly feeling. That part of it which went to repeal the law of settlements had his warmest support. That law was productive of great mischief to the poor themselves, as well as to the country at large. At the same time, he could by no means agree with an hon. member, that the basis of the constitution was the protection of the enjoyment of property. The basis of the constitution was the protection of rights; and the rights of the poor ought to be protected as well as those of the rich. He doubted whether the population had increased so much as was supposed, especially in the agricultural districts. But, was the country to be told in the nineteenth century that it would be ruined by an excess of population? Had not all the great men of the last century declared that the population was the strength and wealth of a country? And yet it was now proposed to relieve the burthen which pressed on the capital of the country by destroying that population, which, although it fed upon that capital, materially contributed to its increase! It was undoubtedly true that at present the whole population were not able to maintain themselves as they ought to be maintained. That, however, was attributable, not to the poor-laws, but to our immense debt, and to the taxes imposed upon the country to pay the interest of it, the holders of which, as far as that debt was concerned (and he begged not to be understood as making the observation invidiously), were mere drones. In another point of view, he confessed he thought the poor-laws productive of great moral evil. That evil would certainly be much diminished by the repeal of the law of settlements. At present the poor were in many districts very much in the condition of slaves, attached to the soil. A labourer was deterred from going out of the parish in which he had gained a settlement, lest something might happen to him in a parish in which he had none. And, if this operated against the poor by preventing them from seeking the best market for their labour, it also operated against the land-owner by burthening him with labourers who were of no use to him. With respect to the encouragement which the poor-laws gave to early and improvident marriages, he doubted if those marriages were so frequent as they were supposed to be. He doubted also if the clause which related to fixing a *maximum* of poor-rates could be carried into effect. If the other parts of the measure were successful in their operation, that clause would become nugatory; but it was not nugatory as it now stood.

The Marquis of *Londonderry* repeated his gratitude to the learned gentleman, for having bestowed so much of his time and attention in bringing this important subject under the consideration of parliament. He should be extremely sorry to do any thing that might impede the fullest consideration of the problem; for if it were not immediately solved, still every grave and deliberate examination of the question would ripen the mind of the country, in its progress to that final amelioration of the system, to which he trusted we might ultimately arrive. This important subject had been discussed during two sessions in a committee above stairs, with a degree of candour and patience of which he regretted that the House and the country at large could not have been witnesses. The numerous difficulties which presented themselves to any arrangement on this important subject, could only be got rid of by frequent discussion. In fact, every fresh discussion of it was

so much gain to the country, and therefore he hoped that the learned gentleman would persevere as he had begun. He trusted that he would consent to the suggestion of his hon. friend, and fix an early day, when the House might return to the discussion.

Mr. *Scarlett* said, he should have no objection to go into the committee *instanter*, but as he was not prepared with all the clauses, he hoped the House would consent to read the bill a second time that night, and to enter into the committee on Monday. With respect to the influence of the present system upon marriages, he would mention the case of a young person under twenty, who recently paid for a licence to be married in one of the counties, and went the next day and demanded relief and residence from the magistrate.

The bill was then read the second time.

HOUSE OF COMMONS.

Friday, May 25.

FORGERY PUNISHMENT MITIGATION BILL.] The report of the committee on this bill having been brought up,

Sir *J. Mackintosh* said, that he intended to move three amendments, which he did not think would excite discussion. The House had declared its opinion, that the severe punishment in cases of forgery ought to be reduced. In the majority on that question were to be found eminent and enlightened merchants and bankers; amongst whom were his hon. friends the members for Taunton and Wendover. In framing the bill originally, he, in deference to the judgments of others, had made some considerable sacrifice of his own opinions. In compliance with the wishes of a considerable portion of the majority of the other night, he was now about to propose some important exceptions. The first exception related to the forging of wills. The next exception related to two species of forgery under the Marriage act; the first relating to the forgery of marriage entries, and the second to the forgery of licences. He concluded by moving the amendments.

Mr. *Cripps* said, that as the Bank of England was excepted, so, in fairness, ought there to be an exception for the protection of country banks.

Sir *J. Mackintosh* said, it would be open to any member to propose further exceptions on the third reading.

Mr. *Grenfell* saw no reason for excepting the Bank of England; but if there was any reason, it applied as strongly to country banks.

Mr. *J. Martin* said, he must oppose the bill in a future stage, unless the punishment for forgery, in all cases, was transportation for life.

Mr. *Bennet* said, that transportation, so far from being considered a punishment, was really a bounty upon crime.

Mr. *Baring* could see no ground for excepting forgeries on the Bank of England. It was well known that the Bank did not pay their forged notes. The question of their exception was not, therefore, a question between the Bank and the public, but a question as to the very principle upon which the bill rested. This principle was, that mild but certain punishments were better calculated than severe punishments to prevent the commission of crime. Indeed, if that principle were not true, the present bill was good for nothing. The doubts which he felt regarding this bill related to the secondary punishment which it was its object to provide. His hon. friend had said, that transportation was the only secondary punishment which could be inflicted; if that were the case, he should feel himself compelled to vote against the bill, as he was of opinion that transportation even for life was not a punishment at all calculated to prevent a crime to which there were so many temptations as forgery.

Mr. *J. Smith* objected to the judges being allowed a discretion in affixing the punishment for forgery. The punishment should be certain. He thought punishment by hard labour would prove the most effectual means of preventing forgery.

The amendments were agreed to.

Sir *J. Mackintosh* also moved as an amendment, that the term of transportation for cases of forgery should be for a period not less than three and not exceeding fourteen years.

Mr. *Baring* said, he should be sorry to see the bill pass with this discretionary clause of imprisonment for three years. He should wish the crime of forgery to be punished by the peremptory infliction of fourteen years imprisonment and hard labour. If any case should occur in which that punishment might appear too severe, it would be in the power of the Crown to extend its mercy to the offender.

Dr. *Lushington* was of opinion that the punishment for forgery ought never to be

less than confinement to hard labour for ten years. He thought that no part of the punishment attached to it ought to be left to the discretion of the judge.

Sir J. Mackintosh withdrew his amendment, and moved that the words "imprisoned for the term of ten years, to be kept to hard labour," be inserted; which was agreed to; as was also an amendment for excepting Scotland from the operation of the bill.

The bill, as amended, was ordered to be printed.

Army Extraordinaries.] The House having resolved itself into a Committee of Supply, to which the Extraordinaries of the Army were referred, Mr. Arbuthnot moved, "That the sum of One Million be granted for defraying the Extraordinary Expenses of the Army for Great Britain, for the year 1821."

Colonel *Davies* thought, that this vote should be accompanied with more exact details of the purposes to which it was applied. He suggested, that a saving might be effected by conveying the spirits direct from the West Indies to the foreign stations, as also the provisions from Ireland. No less a sum than 24,000*l.* might also be saved by reducing the meat rations of the convicts at New South Wales, who were now better fed than our soldiers and sailors.

Mr. *Maberly* remarked upon the manner in which the account was kept, as to the payment of our army in India, that payment being made by advances from the army extraordinaries, which the India Company covenanted to repay. But that covenant was not fulfilled, the advances having been equal to 1,400,000*l.* since 1815, 446,000*l.* remained due upon the last settlement with the Company. The more regular way would be, to have those payments set down in the army extraordinaries, and accounted for like the other items in that return, instead of being left afloat. Thus the account would be simplified, while the India Company would be finally responsible for the amount of the expenditure. There was another point connected with our Indian army, to which he thought it proper to call the attention of the committee. We gave 20,000 men to the India Company for the protection of its territory, and it appeared unfair that this country should be burthened with the half-pay of the men and officers composing that corps, after they became unable to serve. In point of justice, ought not the India Company to meet that expense?

Mr. *Arbuthnot* said, that the accounts would, it was hoped, be rendered more intelligible by the next session. As to the payment and half-pay of our army in India, he acquiesced in the propriety of some new arrangement upon that subject, and could assure the hon. gentleman that such an arrangement was under the serious consideration of government.

Mr. *Baring* called the attention of the committee to the mode in which the public accounts were kept. It was impossible to look at them as they were laid before the House, and understand what the various establishments to which they related cost the country. It was necessary that more general information should be furnished, and in a mode very different from the vague manner in which it was now laid before them.

Sir *J. Yorke* animadverted upon the grant of 8,000*l.* for a breakwater at Heligoland, the whole island not being worth so much money, and there being no necessity whatever for retaining it.

Mr. *Goulburn* said, that the sum of 8,000*l.* included the whole military and naval expense of the island. Orders had been given to withdraw all the troops from Heligoland, and to reduce the charge to the lowest estimate.

Mr. *Hume* was extremely happy to hear, that, at last, his majesty's government had determined to reduce the extravagant and useless establishment of Heligoland. He had, in his observations on the Ordnance Estimates, shown, that that small island had, for the last year, cost the country upwards of 11,000*l.*, having its lieut.-governor, staff, ordnance establishment, &c. If during the kind of war we had waged with Buonaparte, that isle had been essential to meet the prohibitions established by him against our trade to the continent, the establishment ought to have ceased with the cause. Since the peace in 1815, upwards of 60 or 70,000*l.* had been expended upon this place, and yet no complete account of that expenditure, under the head of Heligoland had appeared at any time before the House. The charges were scattered under other heads, over every department, naval, military, Ordnance, civil contingencies, &c., to avoid observation. The charge of 7,894*l.* noticed by the hon. baronet, was

not the only one in these estimates. There was a charge of pay for one year of 600*l.* to the lieut.-governor, lieut.-colonel King; why was not that staff appointment, which had existed for several years, entered among the regular foreign staff? It was a fixed and regular charge, and ought not to be in the extraordinaries. If his, (Mr. Hume's) suggestion of laying before the House an annual estimate of the total expense of every foreign colony under the several heads or departments were attended to, the country would be astonished at the magnitude of the sums, and the amount of army extraordinaries would then be soon reduced. He had understood that a subaltern and 18 men formed the garrison of the island under the Danes; with us ever since the peace, 50 or 100 men had been kept, with all the paraphernalia of a separate government. With respect to provisions purchased for the rations of the army which had been alluded to by an hon. member, he would beg to make an observation or two. It had been stated, that the same kind of provisions were supplied to the navy at cheaper rates than for the army. He believed the fact: and would suggest, whether all the provisions for army and navy, might not be purchased by one board for both services. He had intended to have moved for a return of the contract-prices of the different kinds of provisions at the several stations, where contracts for both services had been made for the last ten years, to ascertain the fact; but should, for the present, content himself with mentioning his intention and object. If it should be true, that the contracts under the navy board had been lower than those for the army, he knew no objections to that board contracting for all the provisions wanted for both army and navy.

There should be only one board of supply; which in time of peace could be easily accomplished, and a great saving would be effected. From the multiplicity of business at the Treasury, it was very improbable that the same attention should be given to the commissariat purchasers, as was given to those of the navy; and he had no hesitation in saying, that the whole victualling department might be placed under the navy board, with great relief to the Treasury, and be productive of much benefit to the public. It was a question of considerable importance, and the principle he recommended had been adopted at foreign stations in drawing for money. One commissary drew for cash, and supplied the different departments; by which means competition in the public officers of the different services was avoided. The same result would follow the appointment of the victualling board to contract for provisions for both services.

There were two items of charge for prize money paid in the last year. One for the value of horses taken in Egypt in 1801, amounting to 33,880*l.*, and ordered to be distributed to the army and navy employed there, by his majesty's grant of Sept. 1804. The other, 31,532*l.* for stores captured at Tarragona in 1813. He did not object to these payments—they were well deserved by our gallant countrymen; but he complained that that prize money had been withheld for twenty years from men who had so hardly earned it. Did it not show gross neglect in some department? He wished to know with whom the neglect took place? It was cruel to withhold from a soldier and sailor their due, and leave only their heirs to receive what their labours entitled them to have enjoyed [Hear!]. It was in fact a gross robbery, as the greater number of those who carried their colours triumphant at these places were now no more, and their shares gone to the use of others who had no claim. He had always considered these kind of delays highly unjust, and he had reprobated the council which retained in that manner the prize money of Chandenagore of 1781, to within the last few years. If there were any more prize money due to the country's defenders, it ought to be immediately paid.

With respect to foreign stations, for which very large sums were charged, as for example, 99,002*l.* for Ceylon, 18,736*l.* for Mauritius, &c., unless the separate expenses for each of them were brought before the House in detail, in the manner he had suggested for Heligoland, no correct opinion of their expense or check over it, could be formed—neither the parliament nor the ministers could know their amount. By an estimate he had made of the expenses of the colonies to this country, the enormous sum of three millions sterling, at the least, was incurred annually. Much, very much might be reduced from the items framing that large sum, if the accounts were rendered in an intelligible manner, which they were not at the present time. He would give an example of the manner in which the public money

was expended in foreign stations, without its being brought at the time fairly before the House. It was shown by returns called for by him, and now on the table, that the expenses of the Ionian islands to Great Britain amounted to 130,000*l.* a year on the average of the two last years accounts submitted. Although in no part of the public estimates or accounts could hon. members find an entry of such a sum; and of the way in which public money was squandered, he had only to state that general sir Thomas Maitland received upwards of 10,458*l.* a year of public money, exclusive of various other expenses connected with him; as, for example, in the accounts of army extraordinaries now before them, there is a charge of 982*l.* 16*s.* paid to captain A. Maitland, of his majesty's ship the Glasgow, for entertaining sir Thomas Maitland his relation, on board his ship at different times in 1819 and 1820—a sum which might, in ordinary times, have been sufficient as table money for the whole year. What sir Thomas Maitland had to do at Genoa, Naples, &c. whilst he had important duties to perform at Malta, in the Ionian islands, &c. he knew not. These charges and proceedings required explanation. He must say, from all the information he had received, that the situation of governor of Malta, and lord high commissioner at the Ionian Islands was quite incompatible. His conduct was loudly, and, he believed, justly complained against at both places.

At present, the commissaries on foreign stations draw for large sums, as at Gibraltar for 141,602*l.*; Canada 203,937*l.*, &c. and that entry was all the House knew of the disposal of these sums? Why could they not send home an account, at the same time with their bills, or very soon after, of the different services to which the money had been applied, and it could then be posted under each head accordingly? Difficulties had been stated by the hon. secretary (Mr. Arbuthnot) when he (Mr. H.) formerly suggested this alteration. But, there was as much facility in the plan he recommended, as we knew to be daily practised by the excise. When a collector sends a bill for 1,000*l.*, for example, from Liverpool to London, he sends, at the same time, the different heads under which he has received that amount, as for soap, for candles, &c. and under these heads the different sums which make up that amount are posted in London. In the account of extraordinaries now before them, there was one charge of 56,700*l.* for specie sent to Jamaica, the Leeward islands, Quebec and Halifax. He would ask, what use there could be of submitting such a charge to this House? As it stood, it could not afford any information; it was consequently useless, and such charges should not be entered in that manner. He hoped the charge for extraordinaries would, in future years, be very small indeed. Almost all the expenditure might be foreseen and provided for, and not brought in as an after-charge, when the House has no power of checking it. If, for example, an estimate had been submitted for the building the breakwater at Heligoland, for which the sum of 7,894*l.* is charged as paid, it would, I think, have been discussed whether, for such a place, at such a time, so great an expense should have been incurred. In 1764, his majesty in council issued a very particular and proper order to all the governors of colonies, that they were not to commence any work or incur any expense (except through absolute necessity) until an estimate and plan of the intended works shall have been sent home, and received his majesty's sanction. That order was repeated in 1794, but the events of war had rendered it a dead letter ever since. We ought now to enforce it with rigour, and not allow, as we see by the navy and other estimates, large sums to be voted for works of which there are neither places nor estimates to be got; as, for example, at Trincomalee, Bermuda, &c. In time of peace, surely nothing of this kind should be going on, if we intend that either economy or retrenchment shall be attended to. In the same manner a variety of charges are made, that ought not to appear among the army extraordinaries. He had noticed the charge of 600*l.* for the lieutenant-governor of Heligoland,—was this a civil or military charge?—Why should 6,598*l.* be charged in this year for the training of the militia of Trinidad in 1816? He did not know that there were any militia in that island; but if there were, why did not that island pay its *militia* expenses in the same manner as the other West-India islands. He could only suppose, because the governor was the absolute disposer of the revenues of that island, and expends them in his own favorite improvements, which ought all to be secondary to the saving this country

from expense at the present time. If that island had a legislative body and British laws, which have been unjustly withheld from them, no such charge as this would have come against this country. It is time, therefore, to look to that reform and improvement, as a means of economy and retrenchment. It is a folly to think that the settlers in that fine island, or any other colony will ever defray a pound expense they can avoid, whilst they are kept out of the pale of British laws, which they so anxiously demand. In the ordinary estimates he had objected to the charge for the first time of 350*l.* a year each to colonel Charles Turner, and colonel George Augustus C. Stapylton, as inspectors of military clothing; but he was not prepared to find in the extraordinaries a charge of 700*l.* each as arrears for 2 years from the 24th June, 1818. If these officers had done duty during these years, why were not these charges entered in the estimates of these years? It was a most improper proceeding. He (Mr. H.) had no hesitation in stating to the committee that these officers were not at all requisite, and that the offices are almost a sinecure. All the army clothing was provided by contract. It was surveyed by a committee of officers at the regiment on receipt; and if in any way objectionable, and not equal to the muster patterns, it was returned to the contractor. The employment of two inspectors in London was, therefore, useless, as it was the interest of the contractor to prepare the clothing, to prevent any being returned on his hands. If a survey was necessary in London, it ought to be done by a committee of officers on duty, summoned for the purpose, as is done in the field or garrisons, which would do the duty better, and save the expense of these officers. Why was the pay of a deputy barrack-master at Gibraltar charged in the extraordinaries? There was a charge of 1,467*l.* for the riding establishment at Pimlico under colonel Peters, of arrears since 1816.— With large riding establishments to every regiment of cavalry, he could not conceive how this could be necessary. He knew it was considered by many in the army as a job to serve colonel Peters, and he feared it was: 1,450*l.* had been voted in the estimates for this year, besides the sum charged in the extraordinaries. This establishment ought immediately to be broken up, and he knew it would give great satisfaction to the army in general. Why was 6,289*l.* for staff officers, and establishments in Guernsey and Jersey charged in the extraordinaries, when these islands were within three days post, and the expense of every officer and establishment required should have been entered in the ordinary estimates? He had been informed that upwards of 5,000*l.* of this sum could be saved, and that the establishments there were extravagant and unnecessary;—there had been only a garrison battalion in garrison in these three islands in the last year, with a major-general, secretary, &c. &c. The major-general, he knew, had been absent for near five months at a time; so that the colonel commanding the regiment could command these islands, and save all the extra expense. The rule of government ought to be here enforced, and not one pound expended on estimate previously laid before parliament with the other estimates. He (Mr. H.) had compared the estimates of former years, but could not find any similar charge to this; so that they might be new, for any thing he knew.

There were agents in this country to the several new colonies, viz. the right hon. W. Huskisson for Ceylon, Thomas P. Courtenay for the Cape of Good Hope: both these were members of this House, and therefore it was in his opinion very objectionable to hold such offices; J. Brooksbank, esq. for New South Wales, Richard Penn for the Mauritius, and major-general sir H. Bunbury for Malta and the Ionian islands. He knew not what the salaries of these agents were but he believed 600*l.* each; all this he considered unnecessary, and should propose to reduce the present grant by that amount, as he was confident any business required by those islands ought to be done by the Treasury, and prevent an account from being opened with each of these agents, which, for many reasons, was improper. He should like to know what duties were performed by these agents that could not be done under the secretary to the Treasury, or any one of his clerks. If they were capable of conducting the commissariat, it was absurd to state that they could not prepare all these colonies required.—The sum of 1,100*l.* was charged as pay and allowances to Thomas Atkinson for superintending the payments relative to the Russian Dutch loan at Amsterdam.— This transaction required examination on a future occasion; but he would ask, why this financial disbursement appeared

in the army extraordinaries? No less than 2,846*l.* was charged for the private secretaries of the governors of the West-India islands, Cape Breton, &c. The right hon. the paymaster general had stated, last year, when he (Mr. H) had objected to these charges appearing in the army extraordinaries, that it would be better to place them with the other civil establishments of those islands, and he hoped that would be done another year, if it should be possible to abolish these offices. Every governor had military staff with him; and if civil secretaries were requisite, the islands ought to provide them. He had understood that sir Charles Brisbane, the new governor of New South Wales, had applied, before his departure, to be allowed a private secretary, but had been refused. He did not blame the government for the refusal, as it evinced a disposition on their part to keep down the expenses of that colony. But it was satisfactory to his mind that, if sir C. Brisbane could carry on the duty of governor of New South Wales without a civil secretary, that every one of the governors who were allowed them in this account might be saved. He should, therefore, propose to deduct the whole expense of 2,846*l.* for the salaries of these secretaries from the present vote. He next observed a charge of 2,612*l.* for articles for the household of Buonaparte at St. Helena: he had been informed that the commissioners deputed by the sovereigns of Austria, Russia, &c. to remain at St. Helena were paid by this country all their expenses; he could not believe that, and mentioned it only to enable the noble lord to contradict it if it was not true: he would not say more on this subject, as it was his intention to submit a motion to the House on the expenditure at St. Helena. He had before stated, that, by an account which had been carefully made up, and which he held in his hand, the detention of Napoleon had cost, in civil, military, and naval establishments, upwards of 415,000*l.* a year, a sum altogether out of the question for this country to continue to expend, and he would add that it was unnecessary: he had been in the island, and, if he might judge from its natural strength and situation, the total expense ought not to exceed a quarter of that large sum. These accounts had never been laid before parliament, and he was surprised at the delay in submitting those the House had ordered on his motion. If there were any difficulty in furnishing the account for the last year, there ought not to be any delay in making up those for the years 1817, 1819, which ought to be produced immediately.—There were many other items of charge in these accounts that required particular notice, but he had stated sufficient, he thought, to satisfy the committee that the accounts were made up in a most irregular and vague manner, that they afforded little information, and, for the ensuing year, ought to be made out in a very different manner. Putting together the different sums which he conceived ought not to be sanctioned by the committee, for the reasons already given by him, he should propose to reduce the vote by the sum of 36,612*l.*

Mr. *Goulburn* denied that this government paid the expenses of the foreign commissioners. With regard to the item charged on account of Buonaparte, the house of that individual had been complained of as being so utterly out of repair, as to admit the rain. As it was found that the old building was not worth repairing, it was decided that a new residence should be built. The sum charged in the item adverted to was for the additional furniture supplied on this occasion. With respect to the salaries of the private secretaries of civil governors, he agreed that it was absurd to charge them in the army extraordinaries, but it was a practice which had long prevailed, and was found convenient, because the secretaries were paid by the paymaster-general of the army. As to the refusal of a private secretary to the governor of New South Wales, he was inclined to believe that no such application as that stated by the hon. gentleman was made by sir C. Brisbane. He did, indeed, apply for a brigade-major, and the application was refused, because government saw no reason for adding another staff-officer to the establishment of New South Wales.

The Marquis of *Londonderry* observed, that there was no ground whatever for supposing that the expenses of the foreign commissioners at St. Helena were not paid by their own governments. At this moment, he believed, two of them had been withdrawn.

Lord *Palmerston* said, that the reason of the charge for the inspectors of army clothing appearing in the extraordinaries was, that it had been the intention of government to dispense with them, and the charge had consequently been omitted

in the estimates for two years. It was afterwards found, however, that their services were indispensable, and they were reinstated. With regard to the garrison at Heligoland, the hon. gentleman had stated that it consisted only of 50 men in time of war, and was increased to 100 since the peace. Now, in 1812, a year of war, the garrison consisted of 479 men; and in 1821 of only 67.

Mr. *Bennet* objected to the amount of the army extraordinaries as exorbitant. He did not see why the debt to Mr. Commissary Mackenzie should be put among them. He thought the expenses of the colonies altogether too great, especially those of the Cape of Good Hope and New South Wales. He could not agree to vote the sum demanded for conveying convicts to the latter place, more particularly as the solicitor-general had said, in 1821, what he (Mr. B.) had been telling the House during the last five years, that it was not a place of punishment. He would propose a reduction of 100,000*l.* on the sum total of the accounts now presented, if his hon. friend would consent to withdraw his amendment.

Mr. Hume consented to withdraw his amendment, and the committee divided: for Mr. Bennet's amendment 32. Against it 84.

List of the Minority.

Bennet, H. G.	Johnson, col.
Boughey, sir J.	Lushington, Dr.
Brougham, H.	Martin, John
Bury, lord	Maberly, jun.
Cavendish, H.	Milbank, J.
Calvert, N.	Milton, lord
Concannon, L.	Moore, P.
Crompton, S.	Monck, J. B.
Chaloner, R.	Palmer, C. F.
Farrand, R.	Pryse, Pryse
Forbes, C.	Rice, S.
Gipps. G.	Robarts, A. W.
Griffith, J.	Robinson, sir G.
Harbord, E.	Smith, W.
Heron, sir R.	Webb. col.
Hobhouse, J. C.	TELLER.
Hume, J.	Davies, col.

Mr. *Arbuthnot* next moved, "That 401,569*l.* be granted to defray the expenses of the Commissariat department for 1821."

Mr. *Gipps* complained of the very general manner in which the sums were stated in the estimate.

Mr. *Maberly* said, he had long been of opinion, that there should be one great military dépôt in the kingdom, which ought to be the Ordnance, and to which the storekeeper-general's department ought to be transferred, which would save a considerable sum to the public. He had no doubt that if a strict economy was pursued, 20 or 30,000*l.* a-year might be saved in those departments, as they could save, on his plan, the expenses of the additional offices and all the rents. The hon. gentleman entered into a variety of details to prove the expediency of the proposed transfer, and of making the Ordnance the great dépôt, as well in this country as in the colonies.

Mr. *Arbuthnot* defended the existing arrangements, and contended that considerable reductions had been effected.

Mr. *Hume* considered this vote one of great importance, both by its magnitude and from the peculiar nature of the department. The hon. member for Abingdon (Mr. Maberly) had stated the general extravagance of the storekeeper's department but he had not stated half its extent. It had been one of the most profuse and wasteful departments under the present profuse system. He had for successive years endeavoured to convince the House of the necessity of reducing or abolishing it; and, in justice to the hon. secretary (Mr. Arbuthnot), he must state that the necessity had been felt by him and acted upon, as the department of storekeeper-general had been, in the course of the last year, joined to that of the commissariat under the Treasury, and Mr. Trotter, the storekeeper-general, and several others of the establishment had been removed on pensions and half-pay. This department was for the purchase of military stores, for their keeping and issue as the services of war required; and, although during the war, the establishment under Mr. Trotter had increased to an uncalled-for extent, he did not include that period in the statements he had prepared and formerly stated of that department. From the peace up to March 1820, the total amount value of stores contracted for by the storekeeper was 312,834*l.*, or at 69,519*l.* per annum on the average of the 4½ years. There was little doubt that great part of that sum might have been saved if we had not had such a man at its head as Mr. Trotter, as the sale of the greater part of these stores at ¼ of the prime cost proved them not to have been required by the public service. The charges for the establishment and contingencies in this department were so high

as 131,164*l.* in 1816; and in the most reduced scale for the year ending the 24th March 1820, it was 52,578*l.*! a sum so enormous, when compared with the expenses before Mr. Trotter took charge of the department in 1808, that without the official returns it could not have been credited. On the average of 13 years of war prior to 1808, the expense of that department was 19,717*l.* a year; whilst, since then, it had been so high as that stated for 1816. If the expense of the establishment since the peace was given, it would far exceed the whole value of the stores received, with ample allowance for what might be considered the expense of custody of the old stores. The charges had been indeed enormous. He entirely concurred in the observation, that the charge of these stores might be transferred to the Ordnance storekeepers abroad and at home; and that all the packing should be done by contract, as formerly, when it was so well and so economically done, as the report of military commissioners stated. The expense of keeping up the present store-houses was immense, and he hoped the hon. secretary would abolish the whole before the next year. He (Mr. H.) might give the storekeeper's department as an instance of the gross waste that takes place in the government manufactures, in comparison with what can be done by private individuals by open contract. In this case he was sure cent per cent at the least. With respect to the commissariat charge, including the charge of the storekeeper's department, the sum of 401,569*l.* exceeded the charge in the years 1818 and 1819, which ought not, with the present reduced prices of every article, to be the case; when however we examined the particulars of this charge, an easy solution was found. All the establishments were larger in proportion; for example, in 1813, when the war was at its greatest extent, the number of commissaries were 300; in this year 231, exclusive of 39 in the storekeeper's department, at an expense of 61,057*l.* for pay alone. In Canada in 1813 there were 30; in this year 59 commissaries, although there were only 6 British regiments there. This might be taken as an example of the scale on which the other establishments in this department were placed. If his suggestions on the subject of the purchase of provisions under the Victualling Board were acted upon, great part of this establishment might be reduced. When the duties those officers had to perform were considered, he had good authority for stating, that a reduction of one-half might be made in the number and expense of these establishments; and he trusted that that would be done.—He had reason to believe, that there were not sufficient checks on the accounts of the commissaries, as many of them had accumulated large fortunes, which the fair emoluments of their office could not have afforded; and he recommended that department to the particular attention of the secretary to the Treasury. With respect to the pension list, he thought many of them objectionable, and that 7 or 10 years employment in a lucrative service ought not to entitle any man to a pension for life. The pension of 1,200*l.* a year to Mr. Herries as retired commissary-in-chief he thought particularly extravagant. That he should receive 1,500*l.* as auditor of the civil list, and also the pension of 1,200*l.* after only a few years service, was a shameful waste of public money. The 1,100*l.* to Mr. Trotter, late storekeeper-general, he thought much worse, as he had, during the whole of his charge, expended more money on the establishment than any other officer, and was not entitled to any such pension from government. He should certainly vote for reducing that pension and the superfluous establishments, unless assurances were given that a great reduction should be made before next year.

Mr. *Arbuthnot* observed, that 800 clerks had been dismissed, and that the number now employed were indispensable for the purpose of carrying on the business of the Commissariat office. The experiment of a greater reduction had been made in a former year, but was of necessity abandoned. He defended the pensions which had been granted to Mr. Herries and Mr. Trotter, as due to them, and more especially to the former, in acknowledgment of their great public services.

Mr. *Bennet* considered that the public services of Mr. Herries had been abundantly paid, without the pension in question.

Colonel *Davies* compared the present estimates with those of 1819, and commented on their excess. With a view to the reduction of that excess, he moved, as an amendment, to reduce the proposed vote by 4,288*l.*

The committee divided: For the Amendment, 40; Against it, 89.

List of the Minority.

Anson, hon. G.	Maberly, J. jun.
Becher, W. W.	Martin, J.
Bennet, hon. H. G.	Milton, lord
Bernal, R.	Milbank, J.
Bernard, lord	Moore, P.
Bright, H.	Monck, J. B.
Bury, lord	Newman, R. W.
Calvert, N.	O'Callaghan, col.
Carter, J.	Palmer, F.
Chaloner, R	Pryse, P.
Chetwynd, G.	Ricardo, D.
Concannon, L.	Rice, S.
Denman, T.	Robarts, A.
Guise, sir W.	Smith, J,
Harbord, hon. H.	Stanley, lord
Heron, sir R.	Tennyson, C.
Hobhouse, J. C.	Tynte, K. K.
Hume, J.	Webb, col.
Johnson, col.	Whitbread, S.
Langston, J.	TELLER.
Lushington, Dr.	Davies, col.
Maberly, J.	

HOUSE OF COMMONS.

Monday, May 28.

PETITION FROM NEWFOUNDLAND FOR REFORM IN THE COURTS OF JUSTICE.] Sir *J. Mackintosh* said, he rose to present a petition from the inhabitants of St. John's, Newfoundland, of an important nature. He was satisfied that the British legislature would be disposed to listen to the complaints from any colony, however unimportant. The colony of Newfoundland was not one of those—it was a colony of great extent and importance, with a population of upwards of 100,000 persons. The petition complained of the manner in which justice was administered in certain courts, and of the severe and extraordinary mode of punishment resorted to by those courts in cases of contempt. The petitioners prayed for the redress of this abuse, and also for the establishment of a local legislature in the island. The courts in question were called Surrogate courts; the judges were principally composed of officers of the navy. Punishment for contempt was, he admitted, resorted to by courts of justice in England; but he believed the use of the lash in such cases was altogether unknown in this country; it was, however, the ordinary mode of punishment adopted in Newfoundland. In order to put before the House the manner in which that distant, defenceless, and unrepresented island was treated by those Surrogate courts, he would state one instance—a man of the name of Landergan, who was both ignorant and poor, was, through his want of acquaintance with the forms of judicial proceedings, adjudged guilty of contempt in not attending to a summons; for that contempt he was sentenced to receive 36 lashes—fourteen were inflicted, when the unhappy man fainted: a surgeon, who was in attendance, gave it as his opinion that it would be dangerous to proceed further with the punishment. The man brought his action against the judges in the supreme civil court of Newfoundland, and the chief justice of that court declared, that however reprehensible the conduct of the judges was, the court in point of law could not interfere. There were, he understood, eight or ten of these courts, where naval officers were the judges; they were held on board of ships, and were called floating courts. The mode of proceeding in these floating courts was not regulated by the common law of England, so much as by the discipline and practice of the navy. The system was a bad one, but was, he believed, the remains of a system which was still worse. The petitioners prayed that the ancient policy of this kingdom, with respect to her colonies, with respect to the establishment of local legislatures, might be revived in Newfoundland. In that prayer he entirely concurred. Considering the extent and importance of the settlement, its peculiar situation, the number of its inhabitants, its local circumstances, and its great distance from the seat of the British government, he knew of no colony which more required the constant vigilance of a local assembly than Newfoundland.

Sir *J. Newport* said, he knew many merchants at Newfoundland well qualified to form a local assembly.

Sir *I. Coffin* said, he was many years ago in Newfoundland, and never saw any law there but the cat-o'-nine tails. He was a surrogate himself, but he never ordered more than a dozen lashes.

Mr. *Goulburn* admitted that the mode of administering justice in the colony was one that should not exist. The causes of complaint were almost always between the merchants and the fishermen, the only two classes in fact in the colony. The government finding it impossible to select justices of the peace likely to act impartially, were obliged to appoint naval officers, who were men of honour and understanding. He did not defend severe punishment in cases of contempt, but he

contended that justice was generally administered in the colonies with impartiality and with satisfaction to the parties.

Dr. *Lushington* reprobated the system of inflicting corporal punishment for contempt of court. The practice was as unjustifiable as it was cruel and severe. The chief justice in his charge to the jury, said, that the punishment of this man was unjust and uncalled for; and the inhabitants of the colony were of the same opinion.

Mr. *W. Smith* said, it was almost impossible for a poor man in Newfoundland to obtain redress for the most enormous cruelty. No free man ought to suffer the arbitrary punishments inflicted by those surrogates.

Mr. *Marryat* said, that the existing system with respect to the whole of our colonies required revision. At St. Lucie, several slaves had been punished for running away, by the loss of their ears. In another case, a planter who had taken a run-away slave, after beating him, tied him to a stake, with the intention of returning to complete his punishment. Death, however, relieved the poor wretch from further suffering. A prosecution was instituted against the planter, but failed; because, by the law of Spain, a master was allowed to inflict 200 lashes on a run-away slave, and it could not be proved that the planter had inflicted more than that number.

Mr. *Wilberforce* deprecated the system of punishment prevailing in many of our colonies; but at the same time contended that the Spanish laws in many instances were admirably humane.

Sir R. Wilson asked, whether the infliction of torture was sanctioned in those British colonies where the Dutch laws were still in force?

Mr. *Goulburn* replied, that orders had been sent to all the colonies, directing that no punishment not used in England should be inflicted.

Ordered to lie on the table.

MISCELLANEOUS ESTIMATES.] The House having resolved itself into a committee of supply, to which the Miscellaneous Estimates were referred, Mr. Arbuthnot moved, "That 137,500*l.* be granted for the service of the Barrack Department for Great Britain, for 1821."

Colonel *Davies* said, he considered this not so much a financial as a constitutional question, because the present system went to substitute military force for civil power, and to erect barracks, as if the country were a conquered province, not a free and independent nation. It was high time for every man of principle to stand forward and resist the progress of a system so detestable. The subject was highly important, however, in a financial point of view. The sum this year required for barrack-masters and storekeepers was 29,000*l.*, while in the last year it had only been 27,000*l.* What reason could be assigned for this increase? There were now no less than 104 barrack-masters in Great Britain, and the duties of the majority might be well performed by the barrack serjeants, or stewards of the stores. Why was a barrack master appointed for Stockport, even before the barracks, for which 4,500*l.* had been voted last year, were completed? The same step had been taken at Leeds, although only 8,000*l.* had yet been granted for the construction of barracks, that were to cost the country 22,000*l.* He could only call these things wanton extravagance and absolute jobbing. At Paisley barracks not a single stone had been laid; yet a barrack-master and all his dependents were charged in the estimates. The item of pensions and allowances was swelled to 13,500*l.*; yet among those benefited by them to the extent of 700*l.* or 800*l.* a year, were men who had only served for eight or nine years. The most objectionable part of the vote now required was the sum of 74,000*l.* for new barracks, in 1821; it was in truth for the establishment of garrisons in disaffected districts. Thus the ferment of distress was augmented by the very means taken to repress it. The people demanded relief, and ministers gave them a barrack; they asked for bread, and they gave them a stone. The gallant officer concluded by moving a reduction of 78,000*l.* upon the original sum proposed.

Mr. *Arbuthnot* contended that the salaries of barrack-masters were by no means upon too large a scale, and assured the committee that not one had been appointed until the comptroller of the department had represented that a barrack-master was necessary to take care of stores which had been collected. After the peace no new barrack-masters had been chosen, until all those on the reduced list capable of serving had been provided for. He could most unequivocally state, that not one man had been appointed to an office of the kind from private views, or improper influence. He was not surprised that the sum for

new works should appear considerable: it had seemed so to himself until he had obtained from the comptroller a statement of the details of the different repairs. During the war, the barracks were calculated to contain 150,000 men; now they were calculated to contain only 42,000 men; and the reason for erecting new barracks at present arose out of the disturbed state of several districts. These new barracks were not undertaken except on the solicitation of gentlemen in several parts of the country. It was, in fact, a most grievous burden for the soldiers to be quartered upon the inhabitants; and it besides often led to serious disturbances between the people and the military. These barracks were deemed necessary for the preservation of tranquillity. When incendiaries, like Hunt and others, turned the distresses of certain classes to their own purposes, it might even be right to protect the people against themselves. As to the amount of the resolution of the 88,000*l.* voted last year, 75,000*l.* yet remained unexpended, and would be found deducted in its proper place from the grant now required. In addition, he might state that ministers, upon more mature reflection, had determined that barracks should not be built at Oldham, Tenbrook, Cuper'sbridge, and Carlisle.

Mr. *Hume* could not refrain from once more referring the committee to the golden year of 1792, when there were only 43 barracks capable of accommodating 21,000 men; and when the whole expense of barrack-masters and assistants was 4,552*l.* The salaries at that time were generally 40*l.* a year; and now they had risen, in many cases, to quadruple that amount. In proof of this, he instanced the barrack-mastership of Aberdeen. He would here recommend that the barrack-masters should be taken from officers on half-pay, who might be obtained at a considerably less expense, instead of paying half a guinea a day to perhaps a farmer near Berwick, who resided 8 miles from the baracks of which he was master; or to a linen-draper at Haddington, who kept his shop 14 miles from the situation of his public duties. He believed there were many barrack-masters of the same description, and who ought to be removed. At least one-half of the 29,000*l.* charged for them might be reduced, recollecting the alteration in the price of commodities, the removal of the income-tax, and the great alteration of duty in time of peace. He then entered into a statement of figures, to show that the barrack-department this year cost the country considerably more than in the last, and particularly objected to the charge for the barrack establishment, 11,690*l.*, including the salaries of a comptroller at 1,500*l.* a year; a deputy, at 800*l.* a year; besides inspectors, assistants, and 28 clerks. As to the reason for building the new barracks, if the distresses which occasioned the ferment in certain districts were temporary, what pretence was there for making permanent barrack establishments? He hoped his hon. friend would press his amendment.

Sir *R. Heron* protested against the unconstitutional increase of barracks in a time of profound peace.

Mr. *Bright* said, he would never give his assent to so extravagant a grant. The country was much indebted to his hon. friend (Mr. Hume) for his persevering exertions to reduce the expenditure of the country; and though nothing had been struck off from the estimates this session, he felt confident that the labours of his hon. friend would have an effect upon the conduct of ministers in the next. It was lamentable to see the public money voted away night after night in that House, when the country gentlemen, who ought to protect the interests of their tenants, labouring, as they were, under such accumulated distresses, were absent from the House, and the ministerial benches were filled with gentlemen who came down to vote for their own salaries. If the session terminated without retrenchment, he would advise the country gentlemen to look to themselves; for they would no longer meet with the support of their constituents, if they did not compel ministers to reduce the extravagant expenditure of the country. Above all, he deprecated the barrack system, which was calculated to make this country a military nation. We were not naturally a military people, nor could we be made so by art. Our navy was our natural protection, and it was the interest of this country to support our navy, instead of setting up as a rival to the barbarous Russian, by extending our military establishments.

Mr. *Williams* said, that if the system now pursued were carried to its extreme, it would become necessary to establish barracks in every village. Taxation must be reduced, and no stand could be better taken than against this vote.

Mr. *Harbord* declared himself decidedly

averse to measures of intimidation, for the purpose of stifling the opinions of an enlightened community.

The Committee divided: For the Amendment, 29; Against it, 53.

List of the Minority.

Anson, hon. G.
Bennet, hon. H. G.
Bright, H.
Barham, J. F.
Boughey, sir J.
Calvert, N.
Creevey, T.
Colbourne, R.
Denman, T.
Evans, W.
Fergusson, sir R.
Grattan, J.
Griffiths, J. W.
Hume, J.
Heron, sir R.
Harbord, hon. E.
Langston, J. H.
Moore, P.
Maberly, J.
Martin, J.
Newport, sir J.
Newman, R. W.
Parnell, sir H.
Portman, T. B.
Rice, S.
Smith, hon. R.
Smith, John
Tierney, rt. hon. G.
Williams, W.

TELLER.

Davies, T. H.

On the resolution, "That 280,000*l.* be granted to provide for such expenses of a civil nature as do not form a part of the ordinary charges of the Civil List, for 1821,"

Mr. *Bennet* objected to the grant. Among the items which formed that amount, was one of 43,000*l.*, for expenses incurred in the late trial of her majesty. Now that was a sum, one shilling of which he could never consent to vote. He felt satisfied that if the country were polled from one end to the other, an immense majority would be found opposed to that atrocious measure, as one of the most ill-advised, injudicious, profligate, cruel, abandoned, and infamous proceedings which had ever disgraced the country. That 43,000*l.* should be called for to make good the expenses of that odious proceeding, appeared to him monstrous. He had heard it said, that his majesty might have prosecuted, as duke of Cornwall; and he should have been glad to learn that the expenses were paid out of the revenues of the duchy of Cornwall rather than out of the public purse. On the present occasion, he thought the House would do well to imitate the conduct pursued by their ancestors at the time of the Revolution. They had voted that the expense of the infamous prosecutions in the time of James, should be paid out of the estates of those who had instituted and carried them on. He, for one, would support the same principle, and make the estates of ministers liable for the expense of proceedings which had been carried on against the earnest prayer of a whole nation. He would not agree to vote a single shilling for contingencies until he saw the whole particulars stated.

The *Chancellor of the Exchequer* said, it was impossible that all the expenses of the civil government in each year could be foreseen, so as to enable ministers to lay estimates before the House; and it would have been the incurring of a hazardous responsibility for them to have applied to such expenses any part of the sums voted for other purposes. Whenever a specific charge was brought against them, they would be prepared to enter on their defence.

Mr. *Hume* maintained that the House ought not to sanction a vote for the payment of any of the expenses of carrying on the Queen's trial, nor even for any of the contingencies, until they knew what they might comprehend. He wished to know whether the late king had made a will; because if he had not, his property should belong to the public, and some of it might be applied to the payment of the expenses incidental to that disgusting prosecution. The hon. member then went into other items of the contingencies, and maintained that they could not be classed under that head of expenditure which the chancellor of the exchequer had said could not be foreseen; for there were several of them which must have been known beforehand. Among these he objected to the charges incurred under the Alien act, that un-English law. The expenses of the Insolvent court ought also to have been more fully detailed. He maintained that the non-production of estimates for these, and many other items, the nature of which was well known beforehand, was a breach of that confidence which had been reposed in ministers. He next adverted to the expenses of our foreign ambassadors, which, he maintained, were much too large. A great saving might be effected by curtailing the expenses of our embassies to the courts of minor powers. The next item upon which he should have to observe was one of 6,241*l.* to pay the composition for an action brought against colonel Maxwell, governor of Sierra Leone. This gentleman, it appeared, had employed the force under him to clear the Rio Pongas of certain individuals; one of whom, upon his return to this country, had obtained a verdict, finding for him damages to the amount of 12,000*l.* or 13,000*l.* This amount had been com-

pounded; and he should say that, taking this sum, the charge for expenses on the Queen's trial, and the charge of the Alien-office, with one or two other items which he had noticed, amounting to 80,000*l.*: he felt justified in proposing, as an amendment, that ministers should have at their disposal only 200,000*l.* instead of 280,000*l.*

Mr. *Brougham* agreed with his hon. friend in the general principle which he had laid down with respect to the civil contingencies. His majesty's ministers were certainly bound, whenever they foresaw the amount of the sums to be expended, to put them in the form of an estimate for the House, and to give an opportunity of their being previously discussed. With respect to governor Maxwell, his hon. friend seemed to suppose that the verdict was given on the merits of the case against governor Maxwell, and that twelve honest men had on those merits decided against him; but the presumption upon the *primâ facie* case was very different from the fact. A person of the name of Cooke, who brought the action, and two others, were notorious slave dealers, and had continued the trade after the act of 1811, which made it felony. Those persons were guilty of great cruelty, and possibly deserved to have been put on their trial for a higher crime, but were only indicted at Sierra Leone for slave-trading; they pleaded guilty, and Cooke was sentenced to fourteen years transportation. He was brought home, and while in the hulks, it was discovered that the court which tried him had no jurisdiction. As no commission had been sent out, this objection was fatal, and made the case of Cooke a legal subject of compensation. He had in Sierra Leone admitted the fact, and the jurisdiction of the court; but here he pleaded, that he was an American, and not a British subject, and that the Court had no jurisdiction; an act not so much of mercy as of severe justice then took place in the liberation of this man. Cooke then brought an action for damages against governor Maxwell, under whose authority the seizure was made. There could not be the slightest doubt, under the circumstances of the case, that he must obtain damages, for the record of his conviction could not be received in evidence against him, as it was a nullity. It was not even tendered in court, for which he was sorry, as that would have brought the real merits of the case under the notice of the jury. Damages were given for the sum laid in the declaration; but the persons who got the award knew the nature of their case so well, that they were willing to compromise the matter, and to take 6,241*l.*

Mr. *Arbuthnot* agreed, that it would be better to avoid as much as possible leaving sums of money to be granted under heads of service to which they did not belong. He was willing to admit that there were many charges in the present estimates, which might have been more appropriately placed, and which would for the future be so disposed of.

After some further conversation, the committee divided: For the Amendment, 77; Against it, 106. Majority, 29.

List of the Minority.

Allen, J. H.
Anson, hon. G.
Astell, W.
Bernal, R.
Boughey, sir J. F.
Barham, J. F.
Benett, J.
Barrett, S. M.
Benyon, Benj.
Birch, Jos.
Brougham, H.
Bright, H.
Bury, viscount
Chaloner, R.
Carter, J.
Cavendish, H.
Concannon, L.
Crespigny, sir W. De
Crompton, S.
Creevey, Thos.
Calthorpe, hon. F. G.
Corbett, Panton
Davies, T. H.
Denman, T.
Duncannon, visct.
Evans, Wm.
Fergusson, sir R.
Fitzroy, lord C.
Gordon, R.
Grattan, J.
Grant, J. P.
Griffiths, J. W.
Guise, sir W.
Heron, sir R.
Harbord, hon. E.
Hill, lord A.
Hume, Joseph
Hutchinson, hn. C. H.
Johnson, col.
Jervoise, G. P.
Lennard, T. B.
Lushington, Dr.
Lester, B. L.
Maberly, J.
Macdonald, J.
Martin, J.
Milbank, M.
Milton, visct.
Moore, Peter
Newman, R. W.
Newport, rt. hon. sir J.
Palmer, C. F.
Parnell, sir H.
Powlett, hon. W.
Pryse, P.
Portman, E. B.
Plumber, John
Roberts, A.
Roberts, G.
Rowley, sir W.
Rumbold, C. E.
Rice, T. S.
Rickford, W.
Smith, hon. R.
Smith, W.
Smith, J.
Smith, R.
Taylor, M. A.
Tierney, rt. hon. G.
Tremayne, J. H.
Tennyson, C.
Wharton, John
Whitbread, S. C.
Williams, W.
Wood, ald.
Wilson, Thomas
Whitmore, W. W.

TELLER.

Bennet, hon. H. G.

GOVERNMENT ADVERTISEMENTS.] Mr. *Hume* put a question to the chancellor of the exchequer relative to the manner in

which government inserted its advertisements in the daily journals. He wished to know whether the system of confining the advertisements of government to the government papers, which had been so generally acted upon in Ireland, had been introduced into England. He asked the question, because he had observed that from papers of a certain description these advertisements were carefully excluded. "The Times," for instance, had not had a government advertisement for the last eighteen months.

The *Chancellor of the Exchequer* replied, that every office under government selected the paper in which it advertised. There was no order from the Treasury to exclude advertisements from any particular paper.

Mr. *Hume* said, that if such were the case, it was a strange coincidence that all the public offices should have combined to exclude their advertisements from one particular paper.

HOUSE OF COMMONS.

Wednesday, May 30.

DELAYS IN THE COURT OF CHANCERY, AND IN THE APPELLANT JURISDICTION.] Mr. *M. A. Taylor** began by stating, that no real friend to the judicial establishments of the country could look with indifference to the arrear of business so continually to be found on the appeal paper of the House of Lords; that, as far as it respected the suitors, it was altogether ruinous and oppressive, and in reference to the tribunal itself it was highly derogatory to the character it should sustain, and greatly diminished its value and importance. Nor could the state of the Court of Chancery be less a matter of disappointment and regret. In the prosecution of any just, or in the resistance of any unfounded claim, what years of agonizing suspense were passed between the first commencement of a suit and its final termination! Many had not survived to witness the decision of their causes; and the recovery of a scarcely questionable right had often been followed by the destruction of one-third of the property in dispute. He would put it to the conscience of every impartial man, whether he had overcharged the picture, or had given it too dark a colouring. In truth, the system had outgrown itself, and that, which in the beginning of the last century might have been fully adequate to meet the exigencies which the intervention of equity was originally intended to relieve, was now unable to sustain the pressure and disentangle itself from the difficulties which an increased circulation of the capital of the country, a consequent change of property, and other concurrent circumstances, had brought within the scope of its jurisdiction. He observed too, that the House of Peers had in its capacity as a judicial body undergone a considerable change, not from any dereliction of those honourable feelings, or from a want of that liberal education, which made our ancestors look up to them as the depositories of law in its last resort, but from a total inability on their part to unravel the intricacies of those questions which were brought so continually under their discussion, to the understanding of which neither their habits, their studies, or their inclination could be supposed to lead them. The name indeed of the tribunal still existed with all those harassing delays which marked the character of its proceedings, but its original cast was either obliterated or changed. It was therefore of moment to enquire, whether without endangering the substance you might not more effectually secure the duties it was called upon to perform, and give that virtual relief to the subject, which, upon every sound principle of the constitution, he had an undoubted right to demand. If the mode of administering the justice of the country was defective; if the interruptions that accompanied its progress placed at an almost immeasurable distance the decisions that were sought for; and if in the mean time the parties were overwhelmed with indefinite and intolerable expense, he contended that it was worse than folly to persevere in such a course. It would have been well for the people, if the House of Lords, in the enquiry that took place before a select committee of their own, had placed the whole subject manfully before them, and had entered into every inveterate feature of the evil, unawed by any difficulties they might encounter in their way, and undisturbed by any imaginary fears which prejudice might create or a mistaken policy impart. But in that investigation, the origin of the mischief was kept wholly out of sight; and though an attempt was made in the

* From the original edition, printed for T. Egerton, Whitehall.

House of Parliament to give it publicity and effect, the voice of the minister crushed it almost in the outset. The committee appointed in 1811 by the casting vote of the Speaker was reluctantly permitted to disclose the arrear which had been gradually creeping on for years in those two courts; but the cause of that arrear was too sacred to be approached, and the revival of the committee in the ensuing session of parliament was only a signal for its premature dissolution; the majority of its members, who were in a great degree connected with the government of the day, refused to enter into that part of the reference which directed them to enquire what it was that retarded the decision of suits in the Court of Chancery; and as their determination was afterwards confirmed by a vote of the House, on the ground of delicacy towards the presiding judge, all further investigation was at an end.*

It was not imputed to him, as the original mover of the question, that his view of the subject was too highly charged, or that the general or immediate consequences that flowed from it, were less afflicting than he had represented them. It was, therefore, necessary that some different ground of objection should be started as an inducement to the House to withhold their assent to his proposition, which went to the direct examination of persons in the daily habits of professional practice, who might, by their evidence, enable them to explore the real source of the delay. He had then difficulties to contend with of no ordinary cast. The known hostility of the first law officer of the Crown to the adoption of any measure which might lead to an alteration of the system, either in his own immediate court, or in that of the appellant jurisdiction, could not but influence the government to throw every impediment in the way of those who were anxious to correct the abuses which they steadily maintained to have existed for so long a space of time. He was aware that these difficulties were in no respect diminished, but he should not on that account recede from the part he had taken, or suffer so momentous a question to slip from under him without a struggle. He knew that he stood upon a rock, from which no power could dislodge him, and which no effort of ministers could undermine. In order to put gentlemen in possession of the grievance as far as respected the House of Lords, he adverted to the state of their cause paper, as reported by the select committee of the Commons in June 1811. The appeals and writs of error then waiting to be heard, amounted in the whole to 338. Many of these had been presented several sessions back, and upon a fair average of the rate at which their lordships had of late proceeded in disposing of the business before them, it was admitted that this list could not be got rid of under a less period than that of nine years—by the subsequent creation of a vice-chancellor, which gave to the lord chancellor the means and opportunity of sitting three days a-week in the House of Lords, this arrear has been gradually reduced; indeed it was most essential that some immediate steps should have been resorted to. Whether the plan brought forward on that occasion, was a measure of sound policy or not, he would not at the present moment stop to consider; but he felt himself called upon to inform the House that there was still a formidable account behind, an account which could not, upon any principle, be justified, and which therefore ought not to be permitted to continue. On an inspection of the proper document, it would appear that 172 causes still remained upon their lordships' paper, 135 of which had been regularly appointed for hearing, and 37 of that number were not as yet set down for the purpose. Owing to the length and importance of some particular cases which had been argued before their lordships, little progress had been made in those appeals which were presented in 1818; and as the session was near its close, a much further reduction could not be rationally expected. Here he could not refrain from pressing upon the consideration of gentlemen, the mischief which further discovered itself by the conduct which their lordships occasionally had recourse to, viz. that of giving preference

* In consequence of the refusal alluded to, a motion was made in the House 6th May, 1812, "that it be a special instruction to the committee appointed to enquire into the causes that retarded the decisions of suits in the high court of chancery, to examine persons practising at the bar, as well as solicitors in the said court, touching the causes of the delay." This motion was negatived; the numbers being, for the motion 20, against it, 84. See First Series, vol. 23, p. 57

to a particular description of causes. Upon whatever ground the justification of this practice might be attempted, it fell with peculiar hardship upon those whose appeals were known to have been for years upon the paper, and whose relative interests were, to the parties themselves, equally valuable and important. He begged leave to draw the attention of the House to a report of their own committee in 1812, as to the state of the court of Chancery of England. At the end of the sittings after Hilary Term in the same year, there were in the chancellor's paper, 109 original causes, and 39 appeals from the decisions of sir William Grant, then master of the Rolls. The introduction of the office of vice-chancellor took place not many months after. To suppose that nothing had been gained by an establishment of that description, in aid of the ordinary operations of the court, would be as ridiculous as it must turn out to be untrue. It was most certain, that causes had been disposed of to a very extensive amount, and that the interlocutory proceedings had been materially dispatched, and by these means a particular class of suitors had been greatly benefitted, and the chancellor relieved. But the question was, whether upon the aggregate, giving every just credit to the person who holds the situation of vice-chancellor, the expectations of those who supported the measure or the views of the noble lord himself, lord Eldon, who was so strong an advocate for the plan, have been answered. Whether, in point of fact, a great part of the arduous duty before attached to the great seal does not revert back to the chancellor, in the shape of appeal, with this difference only, that it comes before him in a more objectionable form, inasmuch as it creates additional delay, and enhances the bitter reckoning of the costs. It was in no way derogatory, he said, to the abilities of the former vice-chancellor, sir Thomas Plumer, or to the knowledge of the present vice-chancellor, sir J. Leach, that their judgments were in numerous instances the subjects of appeal. It was natural that a plaintiff, who had set down his cause for the express purpose of its being heard before the chancellor, should be discontented with a decree, pronounced against him by a judge whose opinion he never sought. The same disposition to appeal in both parties will manifest itself in all the interlocutory proceedings that are occasionally before that court. It was with the impression on his mind, that the time of the lord chancellor would be thus exhausted by appeals, that he (Mr. T.) had endeavoured, on different occasions, to persuade the House to remove from the great seal all jurisdiction in matters of bankruptcy, as this did not in earlier times constitute a part of the labours imposed upon the chancellor, and the work now pressed so heavily upon him as generally to occupy some portion of his day. Of this, a reference to the evidence in the Appendix to the Reports of 1811, and 1812, would sufficiently convince the House.*

But it was here necessary, he said, to revert to the present state of the court, as far as he was able to collect it. In doing this, he was under some difficulty from the refusal of the Register to afford any information without an order from the House; and looking to the advanced period of the session, he did not deem it prudent to wait till the returns moved for by his hon. friend (Mr. Calcraft), were laid upon the table; however, he thought he could not be far wrong as to the state of the Court. With the exception of a few reserved for the Chancellor, all the original causes commencing with the year 1812, have been taken by the vice-chancellor. But to satisfy gentlemen, how much the time of lord Eldon must be occupied by appeals alone, so as absolutely to prevent his giving the necessary dispatch to the other business of the court, he need only give one instance: A cause, which related to the title of some charity estates, was set down in Easter term, 1812; and it remains still unheard. Being within the last twelve, it has been in the paper for two years; and from that time the counsel, solicitor, and clerks in court are entitled to their fees for attendance, which, in addition to the charge for term-fees, may be calculated for both

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* In Mr. Taylor's attempt to remove from the jurisdiction of the great seal all matters in bankruptcy, he was supported by the opinions of the late sir Samuel Romilly; a man whose abilities as a statesman and whose transcendent powers as a lawyer could only be surpassed by the dignified independence of his mind and the spotless tenor of his life. His name can never die.

Οὐδὲ ποτε κλέος ἐσθλὸν ἀπόλλυται, οὐδ' ὄνομ' αὐτοῦ·
Ἀλλ' ὑπὸ γῆς περ ἐὼν, γίγνεται ἀθάνατος.

parties at no less a sum than 120*l.* a year. The appeals from the Rolls and the vice-chancellor's court amounted at present to 116. That gentlemen might have a just estimate of the hardship thus accruing to the suitors, he would ask permission to direct their attention to a paper he held in his hand, which was a copy of the chancellor's appeal paper, for the 19th of May. The first on the list was an appeal from a decree of sir William Grant's, made in August, 1812. But as this cause had been once taken out of the paper by the parties themselves, he should not draw any inference from it. He would only take notice of the last cause in the list, because he knew that the individuals concerned in it were most anxious to obtain the judgment. That was an appeal from the late master of the Rolls, in February, 1814, and in passing his eye over those that preceded it, he might with safety hazard his belief, that most, if not all of them, were of as long a standing. There were, he feared, appeals from the vice-chancellor's court remaining nearly from the time of the first establishment of the court. He was himself aware of one, which was lodged so early as November, 1814, and it now stood 56 off. And he knew of another in nearly a similar situation. He could bring forward many more, he assured the House, but the parties were so alarmed at the apprehension of any disclosure that might be supposed to emanate from themselves, that he would wait till the returns he had before alluded to, were regularly delivered in, and then he could speak with greater certainty as to what actually was the general state of business in every department of the court.

But the House must not be led to imagine that the appeals from the vice-chancellor's court were limited to those which he had mentioned as entered in the registrar's book, and which were placed there to await a convenient season for their being introduced into the regular paper appropriated to that purpose. Almost every second day there was some important question brought before the chancellor in the shape of motion or appeal from this newly-erected tribunal, and which arose out of the interlocutory proceedings of that court—there was no end of the work thus thrown upon the Great Seal; and no exertion of human industry was capable of performing it.—The fault he conceived was in the system, and he would take the liberty of offering his reason for that opinion. The delivery of the Great Seal to the distinguished individual on whom it was conferred, made him at once a politician and a judge. He was, in fact, one of the chief ministers of the Crown, liable to all the interruptions and anxieties inseparable from such a situation.—His time was not at his own command—he was summoned at a moment's notice, from the bench to the cabinet, or called to assist at a council in the immediate presence of his sovereign. His note-book was closed on a sudden, and the discussion of a claim, on the issue of which thousands might depend, was hastily interrupted and reserved for another sitting. He defied even the discriminating faculties of lord Eldon to follow the arguments of the advocate as he ought to do, under such circumstances as these, and great as were the powers of his mind, they must, in some degree, yield to the disadvantages he had to contend with. It was to the union of these two characters, which ought ever to be kept separate and distinct, that the evil of protracted suits might, in a great measure, be ascribed. The attention of a man, who had so extensive and so complicated a range of judicial functions to perform, should be confined exclusively to his own court; he should never be permitted to travel out of it. Were gentlemen aware of the vast interests that hang solely upon the opinion of this individual? To give them some insight into the magnitude and importance of these interests, he would assert that one-fourth of the property of the country was within the grasp of the court of chancery. He requested gentlemen to turn to a paper which he had moved for some years ago, containing an account of money then standing in the name of the accountant-general, and he did not suppose it was likely that there was now any diminution of its amount. It was curious to observe the progressive increase of this fund. The paper disclosed the effects of the suitors as placed in the Bank of England, beginning with the year 1756, and ending with the year 1818. Without going through the detail, it would be found that in 1756, the aggregate only amounted to 2,864,975*l.* 16*s.* 1*d.*; in 1818 it had reached the enormous height of 30,534,520*l.* 0*s.* 10*d.**

* Return from the Accountant-general's office to the House of Commons, April, 1819.

He had no doubt that half of this money belonged to infants and lunatics, deposited there most properly for safe custody; but he was well satisfied that the other half had been, or still was, the subject of dispute; and here he ought to remark, that there must be many, very many, small sums, making in the whole a large total, the property of persons who had a strict right to the enjoyment of it, but the expense of extracting which, must nearly equal the sum itself, and render it not worth their while to apply for it. Gentlemen would bear in mind that this species of loss fell entirely upon those who could ill afford to lose what, in reality, was their own. To the vast sums in the hands of the accountant-general, must be added that mass of real estate under the superintendence of the respective masters of the court; the concerns of which were controlled and audited by them, subject to the revision of the chancellor himself, upon any litigated or doubtful points. But the business of the court did not rest here. Innumerable were the questions brought forward for decision, where no money was deposited, and probably no reference made. These were cases arising out of the construction of wills—the peculiar nature of trusts—the doctrine and designation of uses—injunctions to stay waste—the specific performance of agreements, and a variety of other points with which there was no occasion to trouble the House at that moment. He would ask what other court in Westminster-hall embraced so wide a field of action; nay, he would venture to say, that put the business of the three courts of common law together, it would not amount to that which issues out of subjects connected with the jurisdiction of the chancellor; and yet these judges are separated from all political intercourse with the Crown or its servants, and are studiously kept apart from interfering in the executive government of the country. They are independent of every thing relating to it. When he used the word independence, he wished not to limit the term to independence of mind, or to the circumstances of private fortune; he meant to imply in it, the absence of all other engagements and of all other concerns, except those which fell under their own immediate care and cognizance. The administration of what is called equity, as far as it related to the persons who are to dispense it, should stand upon the same footing, and as far as possible be governed by the same principles.

There was another wide and well protected nursery for delay, to which he must particularly advert. He meant the different tribunals before which the suitors may be carried: these tribunals were still parts of the same establishment, and the power of revision was with the superior judge. From the master of the rolls, and from the vice-chancellor, there was an appeal to the chancellor. Appeals were not confined to causes of extraordinary moment; they might be made, and, in point of fact, were made in various interlocutory matters; and the consequence was, as might be well imagined, additional expense and additional inconvenience. But he would not fatigue the House by recurring to that part of his argument, as he trusted that he had before fully satisfied them of the strength and application of it, and it was for gentlemen to decide whether some legislative steps should not be resorted to, in order to free the suitors from the desolating ruin, to which their property, their peace, and their happiness were thus exposed. Surely we were not to shape our ideas of tyranny and misrule, so as to narrow them to the infliction of bodily pain, the fetters of the gaoler, or the unwholesome damp of a dungeon; did the torture of the mind weigh nothing in the scale of wretchedness, when almost existence itself waited upon the slow, the nearly insensible progress of a court, and upon decisions protracted, from term to term, and from year to year? He would, however, dwell no longer on this point; but leave it, as he might safely do, to the unbiassed judgment of mankind. He was sure they would agree with him, that few entered the court of chancery without alarm, and that none escaped from it without suffering. In endeavouring to lay a ground for remodelling the method of administering the justice of this court, he solicited the calm attention of gentlemen to the more enviable situation of the suitors, when the great seal had been at different times in commission. This had happened in two instances within his own recollection. At the period of the first, the commission of 1783, when lord Loughborough presided, he practised at the bar himself, and had an opportunity of witnessing the dispatch with which the business was conducted, and the satisfaction that everywhere followed it. Many of the

cases were decided as soon as the arguments of counsel were finished; and even in causes of the greatest intricacy, the judgment was scarcely ever protracted beyond the period of three or four days. As to the second instance, he could not speak from his own personal knowledge, but he would repeat what he had heard from an intimate friend of his, Mr. Justice Wilson, whose name was included in the commission of 1792. His late majesty had commanded lord chief baron Eyre, the principal commissioner at that time, and his two coadjutors, to appear before him at Buckingham-house, on a particular day, at 2 o'clock, to restore the Seal, that it might be given into the hands of lord Loughborough. When introduced into the presence, the king inquired of them the state in which they had left the business of the court; the answer was, that if the hour at which his majesty had commanded their attendance, had been 4 o'clock instead of two, the last cause on that day's paper would have been decided, the counsel for the plaintiff being in the act of replying, when they were obliged to leave the court, by the express direction of his majesty. It was here worthy of remark—as a strong confirmation of what he had advanced, that when lord Loughborough had been some months in possession of the great seal, and to his judicial labours were superadded his political and parliamentary duties, he was unable to keep down the arrear, though he confessedly displayed the same professional talents, and the same activity and zeal, as before when first commissioner. He called the particular attention of the House to this, as a proof that until a change was effected in the mode of administering justice in this court, no stretch of intellect, combined with the greatest legal acquirements, could overcome the pressure of such arduous, mixed, and incompatible duties. He assured the House, that no man was more tremblingly alive than himself, to the difficulty of proposing any plan for a different arrangement of the judicial functions of the court of chancery: however, he would risk his opinions, not from a vain conceit that they were such as the House would approve, but in the hope that they might awaken the attention of others more competent to pursue this great question, and redeem the character of the legislature, by substituting what was practicable and just, in the room of that which he would not scruple to denominate cruel and oppressive. He suggested the propriety of consolidating the three tribunals now subsisting in this court into one; by dispensing with the office of the master of the rolls, and repealing the bill allowing the appointment of a vice-chancellor. He would then erect another court, consisting of four judges, the chancellor for the time being, constituting a part in the commission, and being considered as the head of the court, though he was not to be called upon to interfere in its general business, unless in cases where the judges were divided in their opinions. The bills that were filed, would of course be addressed to him, as they are always addressed to the chancellor of the exchequer on the equity side of that court. As the chancellor would under this arrangement be relieved from all appeals in his own court, he would leave to him, in the way he now possesses it, the whole jurisdiction in matters of bankruptcy. The patronage of the departments of the court would remain untouched, and the prize so much relied upon, as the great excitement to brilliant exertion continue as splendid as before. There were minor subjects of detail which he should not weary the House by discussing; these related to what he thought most desirable in every point of view, such as fixing proportionate salaries for the chancellor himself, as well as for the judges, instead of fees and emoluments, in every shape objectionable. This regulation ought equally to extend to the masters and other officers of the court. He humbly contended that the plan, the outline of which he had been induced to lay before the House, would be efficacious as to dispatch; that it would, in a great degree, remove the wish and anxiety for appealing, and thus most essentially contribute to diminish the expenses of the suitors; it would take away altogether the intermediate appeal to the chancellor, leaving such appeal to the House of Lords only. The chancellor would have full leisure to discharge his arduous duties as Speaker of the House of Lords, and the appellants from the court of chancery of England, as those from other courts, would have a real and substantial appeal, in lieu of that, which, without the gratuitous and honourable attendance of lord Redesdale, was now become a mockery and a farce. He knew it might be argued that the bill, empowering the chief baron of the exchequer to sit alone in equity,

made against the idea of a plurality of judges; but he was prepared to show that the case was not parallel, and that the courts bore no resemblance to each other on this particular point. He felt conscious of his own inability, and he should not therefore have intruded any notions of his own, if it had not been his object to call forth the sentiments of others, on the nature and magnitude of the evil he had placed before the House, an evil which no man could venture to extenuate or disguise. He would say to both sides of the House, and particularly to that which took the lead in the administration of the country,

——Si quid novisti rectius istis,
Candidus imperti; si non, his utere mecum.

He implored of gentlemen not to dismiss from their most serious consideration, a question of such vital interest as this was to the community at large, because, on the first view of the plan, they might regard it as visionary and novel. He was far from being so confident in himself as not to suspect that there were faults in the arrangement he had submitted to their view, and he should not therefore press them that evening for a decision; but he thought it due to the people who had suffered so long the severe inflictions of delay, that the House should, in an open and manly manner, declare that they would, in the next session of parliament, attempt the redress of wrongs so evident as to their existence, and so appalling in their nature; without this avowal on their part, he did not see how gentlemen could lay their hands on their hearts and say, with any truth, that they had acted in the spirit of that famous statute of their ancestors, which, in the face of the world, spoke these memorable words—"Nulli negabimus aut differemus, Rectum aut Justitiam." He would now beg leave to move, "That this House will, early in the next session of parliament, take into its most serious consideration the present state of the High Court of Chancery of England, as well as that of the Appellant Jurisdiction of the House of Lords, with a view to the adoption of such measures as will tend in future to facilitate the general business of those courts."

The Marquis of *Londonderry* said, that although parliament sometimes pledged itself as to the course it would take in a subsequent session, it should never do so without great caution; and he thought they should hesitate to do so in the present case, because the resolution countenanced the opinion that there was something wrong in the Court of Chancery, and that a practical remedy had been proposed. He was not at that time capable of forming an opinion as to the sweeping remedy which had been proposed. As far as the appeal business of the House of Lords was concerned, he understood that the establishment of the vice-chancellor's court had been eminently successful. As to the original business of the court, he understood that it was never less in arrear than at present. He suggested that it would be advisable to withdraw the motion, especially as much information on the subject, which had been moved for by the hon. member for Wareham, was not yet on the table. If the hon. gentleman persisted in his motion, he should move the previous question.

The *Attorney-General* wished to say a few words in reply to the reflections which his hon. friend had cast upon the learned lord who presided in the Court of Chancery. His hon. friend had said, that there were the same arrears in cases of bankruptcy and original causes, at present, as there had been before the creation of the Vice-chancellor's court. Now this was by no means the fact, as there were no original causes and no cases of bankruptcy, at this moment, in arrear. There had been an increase of appeals to the lord chancellor, but that was to be attributed to the desire which every man felt to have his case decided by the great talents and learning of that learned lord. No decisions had been, or would hereafter, be more respected than those of the learned judge who now presided in the Court of Chancery.

Mr. *Lockhart* said, that the delay, if such it might be called, arose out of the mechanism of the court. It was a most severe hardship upon every small legatee, in case of dispute, to be obliged to file a bill in chancery, which perhaps cost him more than his legacy; or to abandon his claim altogether. Justice was thus denied, and dishonesty promoted. The mere statement of such a grievance ought to induce the House to pledge itself to inquire.

Mr. Serjeant *Onslow* contended, that it might be dangerous, at this late period of the session, for the House to pledge itself to inquire. The course of argument adopted by the last speaker, rather

went to show, that the court of chancery, in its present form at least, ought to be abolished altogether, than that any attempt should be made to introduce a reform into it. With regard to the increase of business, it was not to be wondered at that the arrears were considerable, considering the immense increase of property of late years, and the number as well as the variety of questions which that increase had produced. He approved of the previous question moved, as it ought not to be held out to the public, in the interval between the two sessions, that great evils would result, or ever had resulted, from the present practice of the court of chancery.

Mr. *W. Smith* said, that the House was called upon to pledge itself to inquiry, more especially after what had just been said by the learned member, who wondered that the enormous arrears now complained of had not been still greater, recollecting the vast increase of property. It was admitted on all hands that an abler chancellor could not be found; and as all agreed on his merits, surely a better opportunity could not be chosen than the present for commencing the investigation.

Mr. *M. A. Taylor* said, that one-half of the appeals now before the Lords were of four years standing. This being the case, he would appeal to the House, whether the system pursued by the Court of Chancery was not ruinous and vexatious? All that he asked was an assurance, that, at a proper period, the subject should be taken into consideration.

The previous question being put, "That the question be now put," the House divided: Ayes, 52; Noes 56. Majority against Mr. Taylor's motion, 4.

PRIVILEGE OF PARLIAMENT—CREDITORS OF MR. CHRISTIE BURTON.] Mr. *Stuart-Wortley* rose to submit a motion, the object of which was, to indemnify the Creditors of Mr. Christie Burton, member for Beverley in the last parliament, for loss occasioned to them by an order of that House, in support of its privileges. The House would recollect that Mr. Burton was confined in the Fleet for debt at the time of his election, and that he was shortly after set at liberty, in consequence of an application by letter to the Speaker. The creditors commenced an action against the warden of the Fleet for an escape, and that act was declared by the House to be a high breach of privilege; but the creditors were excused from attending at the bar of the House to answer for their conduct, on condition of withdrawing the suit. Now, as the law at present stood, when a party was released from a debt by a competent authority, there was an end to the debt. He had looked into the act of James 1st, which arose out of the case of sir T. Shirley, who was taken in execution, after he had taken his seat in that House. That act gave a power to the creditor to sue out execution again within a certain time after the privilege of the debtor had ceased; but the construction of the act applied only to persons who were taken in execution after their election, and not to those who were actually in execution at the time of their election. The amount of the debt due to these creditors of Mr. Burton was 1,000*l.* and the whole expenses which they had incurred might be estimated at 2,000*l.* more. Under all the circumstances, he should move, "That the House resolve itself into a Committee of the whole House to consider of an Address to his Majesty to grant a sum of Money by way of compensation for the loss occasioned to certain Creditors of Mr. Christie Burton, member for Beverley in the last Parliament in support of its Privileges." This he considered a mere act of justice to the individuals, but his object went still farther; for he wished hereafter to submit a substantive motion to the House for the purpose of rendering persons ineligible to a seat in that House who were actually in execution for debt at the time of their offering themselves as candidates.

Mr. *Wynn* saw no reason whatever why Mr. Burton's creditors did not again arrest him, except that having on the former occasion had him for six years in custody, they thought it better now to risk an application to parliament than to proceed by a second arrest, after experiencing the inefficacy of the first. He was utterly at a loss to see what doubt could be raised upon the words of the act of James 1st. There could be no doubt that the creditors had their remedy still against Mr. Burton. With respect to the intention of the hon. member to render ineligible persons in execution for debt, he thought the qualification already required was a sufficient general control. That was, however, too grave a question to be incidentally discussed. If such had been the law, the House could have

been easily, in past times, deprived of the services of some of the greatest ornaments on both sides of it.

Mr. *S. Wortley* maintained, that the act of James 1st confined the liability of being taken under a new writ to persons who were taken in execution subsequently to their election. In all the cases previous to that time, the persons declared to be entitled to privilege, had been arrested subsequently to their election. Mr. Burton had the means, if he chose, of paying his debts, for he was a man of considerable property. As to his six years confinement, it was merely nominal, for at the time of his supposed imprisonment, he had himself seen that gentleman at Doncaster races.

Mr. *Baring* agreed that there was abundant reason for not granting any compensation to the individuals in question. He confessed, however, that he saw no difficulty in dealing with this privilege, as it was called, in such a way as would preserve what was valuable in it to the House, and at the same time prevent it from becoming a source of fraud between individuals. The present case was not the first of the kind; for some years ago an individual had succeeded in making his way out of the King's-bench through that House, and had afterwards quitted the kingdom. He thought there would be no difficulty in enacting, that if any member should plead privilege in exemption of arrest, within a given time after his election, his seat should become *ipso facto* void.

The motion was negatived.

IRISH TREASURY BILLS.] Mr. *Maberly* rose to bring forward his promised motion with regard to the interest paid upon Irish Treasury-bills, compared to that upon Exchequer bills. The Treasury bills in Ireland were to raise money for the public uses, in the same manner as the Exchequer bills; but they were not sold in open market in Ireland, as the Exchequer bills were in this country; and were issued, he presumed, by special favour as the Bank of Ireland thought proper. In 1815, the unfunded debt of Ireland was about 2,500,000*l.*; in 1816, 2,500,000*l.*; in 1817, 5,000,000*l.*; in 1818, it exceeded 5,600,000*l.*; and in 1819 it was nearly 5,000,000*l.* Up to 1818, the Bank received 5 per cent interest upon these bills; and in 1819 and 1820, they had 4 per cent. In the early part of 1815, the rate of interest upon Exchequer bills was 3½*d.* per diem; or 5*l.* 6*s.* 3*d.* per cent per ann. In the latter part of that year it was 3¼*d.* or 4*l.* 18*s.* 10*d.* In 1816, it was 3*d.* In 1817, it was 2½*d.* or 3*l.* 16*s.* 2*d.* per ann.; and afterwards, in the same year, 2*d.* or 3*l.* 0*s.* 10*d.* On the sale of these bills, too, it must be observed, that the government expected a premium of 5*s.* which of course ought to be considered in abatement of the interest. From the course pursued, he calculated that the public had lost in 1816, near 12,500*l.*; in 1817, 92,000*l.*; in 1818, 125,000*l.*; in 1819, 109,000*l.*; in 1820, 94,000*l.*; forming a total of upwards of 400,000*l.* in a few years, and being nearly equal to 500,000*l.*, which the Bank of Ireland lent at 4 per cent upon the renewal of their charter. His present object was prospective, and in the hope of preventing, in future transactions, an expenditure which he thought need not be incurred, he would move, "That it is expedient that the same rate of Interest should be paid on Irish Treasury Bills as on Exchequer Bills."

The *Chancellor of the Exchequer* said, it was but fair that Ireland should be placed in as advantageous a situation as this country, with respect to loans, and it certainly was not in a better. Upon the repeal of the war taxes in 1816 government was under the necessity of making a loan from the Bank of Ireland, the capital of which had since been reduced from five to one million, while the interest had been reduced from five to four per cent, and if the remaining one million were now to be paid off, a loss would be incurred upon the exchange of at least two per cent, by which, of course, the public would suffer, although the means of paying it off might be borrowed at 3 per cent. By this proceeding also it would be recollected that one million must be taken from the circulation of England to be transferred to Ireland. The interest upon the unfunded debt had been reduced from five to three per cent, which reduction had produced a saving to the country of no less than 600,000*l.* a year.

Mr. *Maberly* said, that if a wise policy were pursued, there would be no necessity for the Banks of Ireland or England holding the Treasury bills in question, at a rate of interest different from that at which the merchants of London were paid. If there was a man who could say conscientiously that the public ought to pay

12,000*l.* a year more to the Bank of Ireland than would be required to pay other individuals, for holding these bills, he would give up his motion.

The House divided: Ayes, 31; Noes, 64.

List of the Minority.

Baring, A.	Maberly, J.
Bury, lord	Moore, P.
Becher, W. W.	Martin, J.
Bernal, R.	Newport, sir J.
Chaloner, R.	Philips, G.
Colborne, R.	Philips, J.
Calvert, N.	Robinson, sir G.
Davies, col.	Smith, J.
Evans, W.	Smith, W.
Gordon, R.	Mackintosh, sir J.
Grattan, J.	Scarlett, J.
Hornby, E.	Tierney, rt. hon. G.
Hume, J.	Wood, alderman
James, W.	Whitbread, S. C.
Lockhart, J. J.	TELLERS.
Milton, lord	Grant, J. P.
Monck, J. B.	Maberly, J.

GRAMPOUND DISFRANCHISEMENT BILL.] Lord *Milton*, in rising to move that the House do agree to the Lords' Amendments in this bill, thought it necessary to say a few words, in order to guard himself from being supposed to prefer the present state of the bill to the state in which it was when it left that House. He thought it would have been much better had the franchise been transferred to Leeds; but, considering that the main object of the bill was not so much the substitution of any particular place, as the disfranchisement of Grampound, he should be sorry to propose any proceeding that might lead to the loss of the bill altogether. He hoped, however, that on some future occasion a measure might be adopted better calculated to repair the defects in our representative system, and to preserve the balance which ought to be maintained between the various interests of the country. The present was the fourth bill of a similar character, which increased the weight of the landed interest in that House. Now, with all his natural partiality for the landed interest, he was decidedly of opinion that the House ought not to legislate in a way which might give to any individual interest an undue preponderance.

Mr. *Wynn* said, he regretted the alterations made in the bill. As the Lords had agreed to the disfranchisement of Grampound, he thought it would have been better if they had sent down a separate bill mentioning the place to which they wished the franchise to be transferred. He thought the situation of the county of York, unless divided into two counties, would be rendered much worse by having to elect four representatives in place of two. It would afford opportunities of keeping open the poll, when there was no hope or chance of success. It was likely, too, that the West Riding would return all the four members, inasmuch as 14,000 polled there at the last election, and only 8,000 in the North and East riding. He wished, therefore, that the bill might be sent back to the Lords with an amendment, the object of which would be to provide that the West riding, including the city of York, should send two representatives to parliament, and the East and North riding two more. They might state at the same time that they did not insist on the amendment, and by that means incur no risk of losing the bill.

Mr. *Stuart Wortley* said, that the House of Lords had placed them in a more cruel situation than they had ever before stood in. The question originally was, whether the elective franchise should be extended to the county of York, or given to the town of Leeds. That House had solemnly decided in favour of the latter proposition. The Lords had, however, entirely changed the bill. They said, "You shall not have two burgesses, but you shall have two knights of the shire." Now, he would ask whether, in a case affecting the rights of the Commons, the Lords ought to have made a change of such magnitude, without the most serious consideration. He would contend that by the alteration made in this bill the peers had added greatly to their influence. He would say that a greater misfortune could not happen to the county of York than the having four representatives in parliament. Looking, however, to the bill, he could not give it his sanction, for the mere purpose of securing the principle on which it was founded. It was a measure which satisfied nobody, not even those who were most favourable to reform. Their better course would be to reject this bill, to agree to a second, for the disfranchisement of Grampound, and afterwards to consider to what place the elective franchise should be granted.

The Marquis of *Londonderry* admitted that this was a case of considerable difficulty. For his own part, he did not think

that the course pursued by the Lords was at all objectionable. In acting as they had done, the Lords had merely exercised their legislative power to give to the measure which had been sent to them that shape which the expedience of the case seemed to require. His hon. friend would wish merely to extinguish the right of voting in Grampound, and that being done, he would leave the other question to be settled afterwards. This would be most unwise, because he did not think that the other House had bound itself to the extinction of the right of electing two members for Grampound, without pointing out a place for which two members might be returned in their room. With respect to the objections of his learned friend (Mr. Wynn), he would only observe, that if they passed the present bill, it could not be considered an irrevocable measure. If his learned friend came forward next session, and pointed out the means by which two additional members might be elected for Yorkshire, in a manner more eligible than that which was now proposed, he did not think that the House would be precluded from agreeing to that bill, by voting for the bill now before the House. Parliament would separate with more credit to itself by agreeing to the bill in its present shape, than they would do if they rejected it, and waited till another session, although that were to bring forth the most perfect measure that the human mind could imagine.

Lord *J. Russell* said, the question was, whether or not the bill, as amended, was so ill adapted to its object, that it would be well to reject it. The object was first to reform the borough of Grampound, and then to transfer the right of returning two representatives to another place. It had been decided that the borough was corrupt, and that the elective franchise should be transferred to some other place, and to this the Lords had agreed. The Commons had proposed to give the franchise to the borough of Leeds, the Lords decided that it should be transferred to the large county of York. Now, though he wished that Leeds should return two members to parliament, he was still of opinion that more members ought to be given to the county of York. He was therefore content that the bill as amended should pass; but in a future session, he proposed to call the attention of the House to the claims of large towns to send members to that House.

The amendments were agreed to. After which, lord Milton gave notice that he would to-morrow move for leave to bring in a bill "for facilitating the taking of the Poll on contested Elections for the County of York."

The Constitutional Association.] Mr. *Brougham* rose to call the attention of the House once more to a society, the existence and nature of which he had occasion upon a former evening to bring under its notice. If he was then disposed to view with alarm what he saw in this association, he viewed with still greater anxiety the proceedings that had since been avowed by it. He held in his hand a letter which had been distributed among all the members, and which purported to be a copy of another letter, a circular, that this self-constituted body of prosecutors had thought proper to issue—to whom did the House think? To the magistrates of England. It came from "The Bridge-street Committee." The "Bridge-street Committee" (as if they were, of course, well known to all the kingdom), had erected themselves into a body, and issued circulars *only* to all the magistrates of England. And what was their object? First, to expound to the magistrates the law of the land in matters of libel. They inclosed in this circular a copy of a pamphlet, composed under their auspices, and containing their digest of this law, for the guidance of the magistrates. Now, this might be reckoned only a foolish and presumptuous intermeddling on the part of the committee; but it was followed by something of a different nature, as this circular would show. That it was legal for a person to prepare a bill of indictment, or for two or more persons to prepare such a bill, he was not one to deny; but, whether, though it might in itself be legal, if temperately and discreetly done, it might not deserve another character, if done, and systematically done, by a large body with formidable funds to back them—that might form another consideration. Many societies there might be, instituted for different purposes, and incidental to which might be a prosecution. Nobody would quarrel with them for that; but when the House saw an association which was founded for the purposes of prosecutions, which attempted to supersede the powers of the attorney-general, its legality became more questionable. Even with this he would not quarrel; but the object

which they had in this circular ventured to avow was not to be so passed over. [Mr. Brougham then read from a paper] —"Sir; In pursuance of the 4th resolution of the address"—but the House ought to know that this was signed by a Mr. J. B. Sharp, who styled himself "Honorary Assistant Secretary:" was dated No. 6, Bridge-street, Blackfriars, and addressed to the magistrates of England! "I am directed"—by whom? "by the committee"—so that the magistrate was bound to know who and what this committee was: "I am directed by the committee to transmit you a copy of"—so and so; the address, in short, of this society. "In pursuance of the 4th resolution of the address, the committee have found it necessary to institute several prosecutions against persons engaged in the sale of libellous and seditious works; some of which prosecutions have been abandoned upon the parties expressing their contrition." In God's name to whom? To Mr. J. B. Sharp and this committee, forsooth! And upon that being done, these gentlemen, it seemed, were graciously pleased to enter a *noli prosequi.* But this was not all. The association was not satisfied with convictions, with the surrender upon oath of the dangerous stocks of these venders of seditious publications, and with these expressions of contrition to Mr. J. B. Sharp; but the parties were required to enter into an engagement never again to drive the same trade! Now, here he must protest against a society of this sort attempting to erect a jurisdiction of its own as it were, to indict sundry persons whom it might choose to proceed against; and then threatening the party with all those further measures which could be resorted to by an association backed by ample funds, and supported by all those powerful names which it put forth. The person proceeded against was menaced with ruin if he held out; for defence would amount to ruin with such an association; and the party could have nothing else to look to, unless he came forward and expressed contrition to Mr. J. B. Sharp, at No. 6, Bridge-street, Blackfriars; and unless, too, he gave up his whole stock of libellous and seditious publications; and even this would not avail him, without taking an oath to do so no more. And now he should like to be informed, if there were present any member of this constitutional association, upon what authority that oath was required. He desired to know upon what authority it was allowed, under such a government as this, where there were two such law officers as the attorney and solicitor-general, hitherto not slow to detect, nor remiss to proceed against such offences; where there was a secretary of state not tardy to expound the law, and not backward in issuing his circulars addressed likewise to the magistrates of this kingdom—he wished to know by whose authority it was that this self-constituted association came forward with a circular to the magistrates avowing that their proceedings had gone on in a regular course, from association to subscription, from subscription to promulgation; from promulgation to the instituting of indictments against a particular set of individuals. That no one might be in doubt upon the law, the committee informed the public, that they had "served" a copy of the inclosed exposition of the law of libel, upon every shopkeeper and other person who may so behave." "Many dealers," it was observed, "have thereupon relinquished the further sale or publication of these works and caricatures. In no case has the prosecution been commenced till a few days after the service of this notice, with a view to allow them the opportunity of relinquishing the sale of their stock. Under these circumstances should a conviction of the party be obtained, the delivery of this notice will be pleaded in aggravation, upon the offender's being brought up for judgment." So that juries and judges were to be called upon to consider as the last of all imaginable aggravations, that parties shall have been served with notices of such a committee as this, and had neglected to comply with them! They were to be found to have acted in contempt of Mr. J. B. Sharp, and the committee. The notice of these illustrious personages —these honorary secretaries—these limbs of the law, had been neglected, and parties were therefore to be prosecuted.—This might sound absurd enough in that House, or in a court of law; but out of doors it would have this effect;—men might thus be proceeded against for what the wisdom of this society had assumed to be scandalous and seditious libels, and yet be all the while perfectly innocent; because the society might possibly mistake the law upon the subject. It might turn out upon legal examination, that the poor tradesman, of whom they had previously bought the book or picture, had

been much more innocently employed than the society itself. But to show how likely the unfortunate parties were to obtain a fair trial, he would read another passage of this production:—"Prosecutions are now going on against a notorious vender of seditious publications." This was not throwing the slightest imputation to be sure upon the individual hereafter to be tried: it was in no degree giving a colour to the question; it was a proof of their anxiety that he should be fairly and dispassionately tried! He thought he had now done quite enough in mentioning this matter once more to stop the course of this association. Not the least evil of of that association was, the circumstance of its numbering among its members about 40 peers of the realm, who were thus lending their names to a set of men capable of using them for these purposes: for he was far from supposing that those noble individuals, in so doing, were aware of the consequences of such a permission; which was, that in the end they were to be the judges in the last resort of those who were to be prosecuted by such attorneys as these men were. Let the House well consider what must be another equally inevitable result of these prosecutions. An association such as this was, poisoned justice in its very source. It called up all the angry passions and the interested feelings of individuals in that class of society from which jurymen were to be taken. What chance of a fair trial would a poor man have, before a jury taken out of the neighbourhood of some great man, a member of this association? He was not stating this case upon mere speculative grounds. A gentleman of great respectability, fortune, and consideration, upon seeing the name of a noble lord in the list of these associations had made a remark to the same effect. That gentleman's first observation upon reading it, was, "While that nobleman's name stands upon this list, none of his numerous tenants will be fit for jurors at any such trials." He felt no hesitation in saying wherein lay the remedy for this evil. The attorney-general had the power of suppressing the proceedings of this society by entering a *nolle prosequi* upon all their indictments. Let it not be said that that law-officer should rather stop till some case of gross abuse, might call for his intervention—an evil of such a description demanded a prompt and decided remedy. He had to apologize for again calling the attention of the House to one of the greatest abuses which had grown up for many years; and which, if not put down by order of that House, or by the law-officers of the Crown, might lead to much more serious perversions of the law, than any other practices which had for a long time threatened it.

Mr. *Scarlett* begged leave to say a few words with respect to the illegality of this association. The motives of the gentlemen were probably such that no one would wish to treat them harshly; but their proceedings were contrary to the law of the land. In individual cases, the party aggrieved was allowed to be the prosecutor by the law of England, but where the public was the party, the prosecutor was the government itself, and the attorney-general was the recognised agent of that government. The effect of this society's labours was, in fact, to libel the attorney-general. They implied that that officer had not been sufficiently vigilant, and that the society therefore undertook to remedy his defect of duty. Now, what would be said of a private gentleman, who should go about the country, indicting offences, committed, not against his interests, but against the interests of the public? What an extraordinary thing this would be—a sort of perambulating attorney-general. This association undertook prosecutions, however, on a similar scale. Where the attorney-general was concerned, the proceeding was regular: where the party aggrieved prosecuted the defendant knew his prosecutor. On the contrary, in the cases in which the Constitutional Association interfered, the prosecutors were unknown; no names were avowed, and some of them might be upon that very special jury which would have to try the offence charged against the defendant. There was no person who had considered the question in a legal or constitutional point of view, who could not concur in condemning such an association.

Mr. *Warre* expressed his suprise, that this Association having been pronounced illegal by what he considered the highest law authority in that House, no member of his majesty's government had offered a word of explanation on the subject.

The Marquis of *Londonderry* questioned the propriety of any discussion as to what the attorney-general ought or ought not to do, in the absence of that learned gentleman. Without entering into the legality or constitutionality of the

Association, he could not but express his regret, that if it was of such a character as had been described, the mischief of the principle did not flash upon their minds before, when missionaries were sent down to prosecute men, not for libel, but to death; and great names appeared to the subscriptions, which were as likely to warp the minds of the jury as in the present instance.—But it really seemed as if all the sensibility of those who were so shocked at the formation of this society, was reserved for the sole crime of libel; and as if the very name of Constitutional Association called forth all their powers of reprobation.

Sir *J. Sebright* concurred in the opinions which had been given respecting the Association, which has taken upon itself the task of teaching magistrates their duty. He, for one, would dispense with the instruction of a body, which he considered illegal and unconstitutional.

Mr. *Brougham* said, that the insinuation of the noble marquis was unfounded in fact, for he had distinctly stated that an association of two or more persons to indict or prosecute might be legal where there was a lack of diligence in the proper quarter: but what he objected to was the system of prosecution going on day after day, until the liberty of the press was reduced to a mere shadow. Such prosecutions, and the associations for carrying them on, were different from those for prosecuting felons; for in the former case party feelings would be created; but who could suppose that a party would be made in the prosecution of felons?

The Marquis of *Londonderry* observed that there was an association for the suppression of vice, the object of which was to prosecute all offences against decency and morality, and he had not heard any objection to it; nor did he conceive why an objection should be urged against this association, because it had for its object the prosecution and suppression of disloyalty and sedition.

Mr. *Scarlett* considered that there was no analogy whatever between the cases. He thought the self-called Constitutional Association a gross and severe attack on his majesty's government.

The *Solicitor-General* said, he could not avoid expressing his surprise that the Constitutional Association should have been called illegal. He would take it upon himself to say that in that society there was nothing illegal, or at all contrary to the spirit of the constitution. If this were contrary to law, he should be glad to know who were the judges of the law—whether that House or the ordinary judges of the land. Now he would say, that when the question of the legality of the Association had recently come before the judges of the land, he had not heard from the court any insinuation that the society was illegal. Could the House think that if this society had been contrary to law the judges of the land would not have objected to it? Was the House to believe that the association of persons for the prosecution of offences against the law was in itself a violation of that law? He maintained that such an association was not illegal; of the policy of it he was not giving any opinion, but he challenged his learned friends to say that it was illegal to prosecute persons guilty of the crime of libel. It had been said that the attorney-general might if he pleased enter a *nolle prosequi* to the indictments of the society. He did not profess to be in the secrets of the society; but he had been informed by a learned friend who sat near him, in the court the other day, that there were two cases of the most atrocious libel against the sovereign; and he would ask whether those were cases in which a *nolle prosequi* ought to have been entered by the attorney-general? Cries of "Hear!" from the Opposition benches. He very well understood the meaning of those cheers; but he would ask whether the attorney-general was to make it is business to go into every print and pamphlet shop in the metropolis, in order to hunt out for libellous caricatures and publications. If the society discovered such, and selected them for prosecution, it was by no means any imputation upon the vigilance of his learned friend. He felt satisfied that his learned friend could use his discretion in cases of *ex-officio* informations; but it was hardly necessary for him to observe that there were cases where it would not be proper to prosecute.

Lord *Milton* said, that no judge or court could, or ought to give any opinion as to the legality or illegality of a prosecution on which they might be called to determine. With the association in question they had nothing to do. They had only to decide upon the point of law, without at all considering who were the prosecutors.

Mr. *Wynn* said, he objected to any public prosecutions by irresponsible persons,

in cases of libel. He was not surprised that many individuals supported such an association, considering that so many libels were circulated through the country. The feeling, he did not doubt, was a good one, though he considered its application as unsafe and dangerous. The solicitor-general had asked, whether the attorney-general was bound to hunt after libellous caricatures and publications, he did not say he was; but he thought that the secretary of state ought not to be ignorant of their existence, but should point them out for prosecution. To leave such matters to irresponsible bodies was, he thought, pregnant with danger. The establishment of Orange lodges had originated in a good feeling, but the House had seen how dangerous such associations had since proved to be.

The committee of supply was deferred, and the House adjourned.

HOUSE OF COMMONS.

Thursday, May 31.

Independence of Parliament.] Mr. *Bennet* rose, in pursuance of notice, to bring in a bill for better securing the independence of parliament; and, in submitting his proposition to the House, it gave him great satisfaction to reflect that he was introducing no novelty to its consideration. In the plan which he should propose for their adoption, he had followed closely the path of their ancestors, and had put his foot, wherever it was possible, in the very track in which they had trodden. In looking into the subject, the first question that suggested itself was, what, in the language and spirit of the constitution, was meant by the term "House of Commons." He found, by looking at the best authorities, that it ought to be the living image of the people of England—a body whose object it was to represent the opinions, express the feelings, and guard the interests of the nation at large. Such being the purposes for which this body existed, it became necessary to consider next the manner in which it was constituted. It would be difficult to conceive a plan more prejudicial to the integrity of parliament, than that which would attach a large body of members to the Crown, by the ties of office. He was not so wild as to say that the leading members of government ought not to fill seats in that House; but this he would say, that the best mode which could be adopted for the destruction of the independence of parliament would be to keep the gentlemen of the country attached to the administration of the day by beneficial places, thus securing a certain majority for every one of its measures, no matter how derogatory to the honour or how hostile to the liberties of the nation. Their ancestors, from the earliest period, had clearly laid down the method in which members were to qualify themselves for entering the House of Commons; but it was not until the struggle had commenced between that House and the Crown, that the House exhibited any jealousy of the power of the Crown, or took any measures in order to control it. The first instance of that jealousy which he could find in their Journals was in the reign of James 1st; and it was very curious to remark, that in the very first year of his reign a letter was sent by his command from the lord chancellor to the Speaker, informing him that certain members of that House had been appointed to certain offices, and asking him whether they would be allowed to retain their seats. Some of them had been appointed to commands in Ireland; others had been sent abroad as ambassadors; and one of them had been made attorney-general. The House connived at the attorney-general's retaining his seat in that parliament; but in the next they declared him incapable of holding it, on the ground, as he understood, that it was a new office. All persons who held livery under the Crown were precluded from sitting in parliament. It was not until the year 1680, that the House came to a unanimous vote, that no member should hold an office under the Crown without express leave of the House. In 1692, the first place-bill, of which the vote of 1680 was the foundation, was introduced into parliament; and though it was carried through the Commons, it was lost in the Lords. In the next year it passed through both Houses, but did not become law, in consequence of the king refusing his assent to it. The House of Commons, when that refusal was announced to it, came to a resolution, that whoever had advised the king not to give the royal assent to the act touching free and impartial proceedings in parliament; which was to redress a grievance and take off a scandal upon the proceedings of the Commons in parliament, was an enemy to their majesties and the kingdom. In 1700, the act of William and Mary was passed, which disqualified the

holders of certain offices from sitting in parliament, and enacted that all members who accepted offices under the Crown should by that act vacate their seats. The next place bill was the 6th of queen Anne, which declared any person having a pension under the Crown during pleasure, or for a term of years, to be incapable either of being elected or of sitting in parliament. In the 1st of George 1st, another place-bill was passed; and from that period repeated efforts had been made to diminish the power of the Crown over parliament, and to exclude from it the equipage and underlings of office. Those efforts had been frustrated; some in one way, others in a different. Sir R. Walpole adopted the plan of letting a place-bill pass through the Commons almost without a discussion, and of defeating it afterwards by his influence in the House of Lords. In 1742, however, under the auspices of Mr. Pelham, the act was passed, which excluded a great variety of persons, and adopted the principle of clearing the House of Commons from the underlings of office, and of retaining in it only such members as were necessary to the administration of public business. He did not know that any other plan for securing the independence of parliament had been submitted to it until the close of the American war. A vote of parliament then declared, that the influence of the Crown had increased, was increasing, and ought to be diminished; and upon that vote, seconded as it was by the voice of the people, Mr. Burke brought in a bill, which, if it had passed in the state in which he first laid it on the table, would have been most useful; but which was rendered less valuable by the arrangements, negotiations, compromises, and sacrifices of principle, which were made in passing it through the two Houses of Parliament. From that period to the present, parliament had been carefully purifying itself from without, but had studiously avoided purifying itself within. It had allowed ministers to keep within the close battalion of their retainers, all those who were in anywise engaged in carrying on the king's business; and if any man would contrast the recent majorities and minorities, he would find that all public questions in which the power of the Crown had been opposed to the voice and the feelings of the people, had been carried against the people by the dead votes of those members, who, being the hacks of office, were consequently at the beck and call of ministers. He wished to keep clear of all subjects of immediate discussion, from a fear of exciting that angry feeling which generally attended questions that had recently been before the House; but still he could not help saying, that if hon. members would only recollect what had occurred since the year 1812, they must make up their minds to this truth—that government had only been supported in that House by a majority of its own creatures. He did not mean to say that on questions of great national importance, the sense of the House was overruled by the voice of placemen and pensioners: he referred principally to matters of economical reform, and subjects of that kind, where the preventive vote was given by some useless lord of the Admiralty or bedchamber. At the period to which he had particularly referred—when great reforms were made in the construction of the House—the power and patronage of the government, its domestic and colonial influence, were at a *minimum* compared with the present moment. The whole revenue of the country was then less than the mere charge for its collection now. In the last year it had cost 4,100,000*l.*, which was a larger revenue than Geo. 2nd possessed at the passing of the act of 1742, or than Geo. 3rd enjoyed when he ascended the throne.

With regard to the proposition he had to offer, he had scrupulously attended to the great principles that had guided our ancestors, his chief object being to exclude clerks and underlings from the House, leaving the great officers of government still in possession of their seats. He had first directed his attention to the Treasury, which consisted of a chancellor of the exchequer, and five lords. He was willing that the chancellor of the exchequer should remain, and that one of the lords for England and another for Ireland should also remain; but he thought the other three lords would be much better employed in doing the business of the board than in doing the business of the House. They ought, in fact, if they existed at all, to be efficient public servants, not chosen from motives of favour and influence—because this peer, the relative of the lord of the Treasury, had five, this six, and that seven votes in the House—but because they were men of knowledge and industry, and whose talents were calcu-

lated to promote the public benefit. He did not mean to complain of the presence of the two secretaries of the Treasury; they were useful and intelligent persons, though he could not help here remarking upon the mode in which the spirit of the act of queen Anne had been violated. The spirit of it required that persons should vacate their seats when they accepted offices under government; but as the words were "under the Crown," these two secretaries never vacated their seats, because they were nominated by the commissioners of the Treasury. The next offices to which he came were those of the secretaries of state. The foreign secretaryship was very ably filled by the noble marquis; and there was no question that he should be allowed a seat of a commoner, or if a peer, that he should be represented by his secretary in the House of Commons. The same might be said of the other secretaries of state: being peers, they had their representatives here; and it was fit that they should continue. There was also no question that the secretary for Ireland should have a seat; but he did not see why the House need be favoured with the company of the vice-treasurer of Ireland. This was quite a new office, and directly in the teeth of the act of Anne. The late Mr. Ponsonby had proposed that the salary of the vice-treasurer should be reduced to 2,000*l.* a year; but the government resolved that he should receive annually more than 3,000*l.* Mr. Ponsonby had objected to the office altogether; and the House very nearly coincided with him; since the numbers were, 100 for the larger salary, and 98 for its diminution. Among the majority on that occasion were from 30 to 40 placemen—a striking proof of the services they rendered in that House!—He then came to the India Board, consisting of the president, a noble lord, a right hon. gentleman, and the secretary. His wish was to allow the president a seat, but to remove all the others from parliament—to leave one, and to turn out three; and he would state why—because they were of no use here, and he firmly believed of no use elsewhere. The name of India was now not even mentioned in parliament; the House had as little to do with it as with the planet Jupiter: it had not been mentioned since 1813: no budget had been brought forward, and no account given of the state of the colony: it had never of late been heard of but on a motion of an hon. friend of his (Mr. Hume), and on the vote of thanks to the marquis of Hastings. In 1784, Mr. Pitt, having defeated one India bill, introduced another of his own, with his usual flourish, stating that the country was to be put to no expense; that gentlemen of talent and character would serve for nothing, and that their public spirit was to be its own reward. But what followed? In 1794, lord Melville came down to propose the present construction of the India board, viz. that the president was to have 2,000*l.* a year; two other members, 1,600*l.* each, and the secretary 1,200*l.* All four were likewise to hold seats in the House, to swell majorities, but to do literally nothing for India. They were to vote for the minister at his beck and command, and in violation of the statute, and that was to be the full extent of their arduous duties.—The board of Admiralty next presented itself, and five of the lords were found sitting in the House of Commons, each receiving 1,000*l.* a year, and with the secretary and comptroller, mustering seven votes. He should be glad to know why they were here. The noble secretary at war presented a wholesome example of a man standing alone in parliament, but equal to the duties of it; for he had, within these few weeks, sustained a most arduous struggle on some of the most extensive estimates ever produced to the House. If he, single-handed, were competent for the army, why did the navy need these seven champions? They were, in truth, only to rally round the government, and to form that regular band of allies upon whom ministers could always confidently depend. How needless they were for any other purpose was obvious from the fact, that three-fourths of them had taken no part in the late discussions of the estimates. True, they had always been present with a most praiseworthy assiduity, but were only roused from their lethargy by the cry of "question," or the necessity of giving a welcome cheer to some friend who needed their countenance in the distress of a hopeless argument. He did not deny that they were excellent adherents of government; but they were at the same time bad members of parliament: they held livery of the king, which alone ought to incapacitate them. He thought one lord would be quite sufficient; but as he did not wish to cut his cloth too close, he was ready to consent that two lords of the Admiralty should have seats. In the Ordnance department,

there was the surveyor-general, his clerk, the clerk of the deliveries, and the treasurer, all sitting in the House at present: and he had seen there the secretary of the master-general, and the store-keeper. Six might at present hold seats; but he was of opinion that two only ought to be permitted to do so. The secretary at war, of course, must remain. To the judge advocate and the paymaster of the army, he had no objection. The chancellor of the duchy of Lancaster ought also to have a seat, as well as the vice-president of the board of trade. He could not, however, discover any reason why the master of the Mint should be in the House. In the office of Woods and Forests there were two individuals having seats in the House, and one seemed quite enough. With regard to the king's household, he was at a loss to conceive why any member of it, with the exception of a gentleman from the lord stewards, to bear communications between the king and the Commons, should have seats among the representatives of the people. If two lords of the bedchamber were admitted, as at present, there seemed no reason for excluding the other twelve. They held most directly livery of the king; and precisely the same might be said of the comptroller of the household, the groom of the bedchamber, the three equerries, the lord warden of the stannaries, all of whom were worse than useless to the public, forming the dead weight hung underneath the scale of truth and justice in that House. The attorney and solicitor-general, the judges of the Arches and of the Admiralty, together with the lord advocate of Scotland, he was ready to retain; but he most seriously objected to the chief justice of Chester being allowed to sit in that House. He remembered to have heard an unanswerable speech from the late sir S. Romilly upon the subject, showing that that personage, like the other judges of the land, ought never to be placed in a situation where his mind was likely to be influenced by political squabbles. He saw many objections to retaining masters in Chancery, both English and Irish; and he was happy to say that, with respect to the latter, the evil had been remedied for the future. The English masters in Chancery were, in fact, the servants of the House of Lords, and could not do business in two places at the same time. A great change had of late taken place with respect to these offices; they were now merely political, and those who filled them were chosen for their political merits. In 1806, a retirement of 1,500*l.* a year was allowed, and an addition of 400*l.* a year made to their salaries. Had he been at that date in parliament, he should have given the bill his most strenuous resistance. He should wish to exempt the holders of some other offices, but at present it appeared that there were 51 members of the House who filled places at pleasure, and of those he should propose to exclude 29, who would vote for any minister or for any measure, and who were in truth retained only upon that condition. In the recent case of lord Fife, it had been shown that a removal would be the consequence of any vote hostile to the wishes of the minister, however consonant it might be with the earnest desires of the people.

The hon. gentleman having gone through his details, proceeded to recommend the House to pay due regard to the progress of public opinion, and to follow the system of our ancestors, that as soon as an abuse arose, a remedy should be provided; it was thus that new blood and life were at intervals poured into the decayed constitution, by a revivifying and refreshing principle. For the last half century, the influence of the Crown had rapidly gained ground on the rights of the people: that influence was immortal, he might almost say, eternal; death had no power over it; and if in 1780, it was voted that the power of the Crown had increased, was increasing, and ought to be diminished, how much more necessary was it now to check and to control it. On this subject he could not do better than read the words of a Protest entered on the Journals of the Lords by certain peers, among whom was lord Bathurst, in 1730, on the rejection of the Pension bill. It stated that they objected to the rejection of the bill. "Because, strictly speaking, all influence in either House of parliament, except that which arises from a sense of those duties which we owe to our king and country, are improper, and the particular influences, which this bill was intended to prevent, are not only improper, but may, and naturally must in course of time, become extremely pernicious both to the Crown and the people; for first, although this influence appears to be that of the Crown, it may become entirely that of the minister, and be applied to deceive the prince, as well as to

oppress the people. If ever a corrupt minister should have the disposition of places and the distribution of pensions, gratuities and rewards, he may create such an influence as shall effectually deprive the prince of the great advantage of knowing the true sense of his people; and a House of parliament being prevailed upon to oppose such measures as the whole nation dislikes, he may be so confirmed in the pursuit of them, as for the sake of an unworthy servant to lose the affections of his people whilst he imagines that he both deserves and possesses them. In the next place, if ever this improper influence should obtain a certain degree of strength, these terrible consequences must inevitably flow from it, that the worst proposals for the public will be the most likely to succeed, and that the weakest ministers will be the best supported; the reason whereof we take to be extremely plain, since this improper influence may be directed to any purpose whatsoever, and will always be most exerted when it is most wanted; that is, in the support of ill measures and weak ministers."* Whether this was or was not a prophesy of the present state of things, he would leave others to determine; but if the House did not reform itself by turning out all useless placemen and pensioners—if it did not remove now what was thought a scandal in the reign of king William—it could not possess the confidence, affection, or respect of the people. He would now move, "That leave be given to bring in a Bill for the better securing the Independence of Parliament."

Mr. *Robinson* said, he was aware that it was an unpopular course to resist any plausible proposition for reducing the influence of the Crown, but it would be a most unworthy feeling if he suffered himself to be deterred, by any such considerations, from speaking his sentiments plainly and explicitly on the present occasion. From the way in which his hon. friend had argued the question, he was relieved from the necessity of answering him at any great length, for his hon. friend had admitted that it would not be desirable totally to remove placemen from the House of Commons. His hon. friend, therefore, had, in fact, reduced the question to a question of degree. It was not necessary for him to argue in general, that in all governments there must be a reasonable degree of influence, for it was impossible that any government could be conducted upon mere abstract principles of right and wrong. The question was, whether the state of the House, in respect to those members of it who held places, was such as to require the interference of parliament? His hon. friend had stated, that it had been the practice of our ancestors by various salutary laws to check the influence of the Crown in that House. No man regarded those laws with more veneration than himself. They were founded upon principles which were sound in themselves, and which were applied with sound judgment and discretion. He would go still farther; for he was ready to admit, that many of the early acts which imposed some restrictions upon the influence of the Crown, did not impose any thing like sufficient restrictions. Hence, the acts which were subsequently passed were rendered necessary by the inadequacy of the earlier provisions against the influence of the Crown. For instance, in the time of sir R. Walpole there were no less than 200 persons who held places and pensions in that House; a proportion which was quite preposterous, and under which, he believed his hon. friend would admit, with all the veneration which he entertained for the Whig ministers of that day, that it was utterly impossible that the government could be beneficially conducted, or the liberties of the country and the independence of parliament preserved. He believed, that from the time that placemen were first admitted into that House, there never was a period at which there were fewer than at the present moment. In the administration of lord North, before the year 1780, there were 118 placemen in that House. The question for the House, therefore, was, whether, looking to all the circumstances, they thought the influence of the Crown, through the means of placemen and pensioners in that House, was such as to require an act of parliament to diminish it? His hon. friend referred to particular votes which had been given in the present session, as a ground from which he was entitled to infer the necessity of further limitation. His hon. friend had, in fact, begged the whole question with regard to those votes: he was perfectly satisfied with the votes which had been given against the government—these votes his hon. friend considered quite unexcep-

* New Parl. Hist. Vol. 8. p 796.

tionable. But surely it was a most unfair mode of reasoning to contend, because the majority passed votes which the minority did not approve, that this was in itself a reason for diminishing the number of placemen in the House of Commons. The argument which his hon. friend founded upon an analysis of particular votes passed in the present session would drive him, by parity of reasoning, to the total exclusion of all placemen. If his hon. friend's proposition were pushed to the extent to which he seemed desirous of carrying it, it would go far to destroy that union and community of feeling among the members of a government, without which no government could be effectively conducted—it would destroy, in short, the power of carrying on the government as a party. He confessed, he was one of those who thought it impossible to carry on a government upon any effective and consistent principle, except through the medium of parties, combined together, not for the mere miserable object of promoting their personal interests, but upon sounder principles, and with more honourable generous, and patriotic feelings. In spite of the ridicule and invective with which party men were perpetually assailed, he believed they were generally actuated by honourable and disinterested motives He believed that the proposition of his hon. friend pushed to the extent for which he contended, would materially alter the character of the government in this country, and compel them to have recourse to other and more prejudicial means of obtaining support. He feared that a House of Commons, in which there were too few persons connected by the ties of office, would very soon lose its power over the existence of an administration; and that, on the other hand, such an administration, feeling that its existence did not so essentially and vitally depend upon the House of Commons as upon every sound constitutional principle it ought to do, would be less controlled in its operations by a regard to the opinions of that House. His hon. friend was of opinion, that the House of Commons, as it was now constituted, merited the disapprobation of the whole country, and he claimed for himself the credit of acting in that House more in unison with the feelings of the country, than those whose measures he opposed. He claimed for himself—and he (Mr. R.) was ready to admit the justice of his claim—the merit of supporting the interests of the country upon all occasions, and of resisting, upon conscientious views, the measures of administration. But, while he gave him full credit for his motives, he trusted that his hon. friend would also believe that he (Mr. R.), and those with whom he acted, were influenced by motives equally honourable and equally disinterested. It was not fair, because the conduct of ministers was the subject of pretty general attack in that House, and of much misrepresentation elsewhere—because the people felt eagerly and keenly on particular subjects, and ministers conceived it their duty not to fall in with that keen and eager feeling—it was not fair, upon such grounds, to stigmatise ministers as men regardless of the wishes, and insensible to the feelings of the people. His hon. friend thought that the influence of the Crown was too great in that House, and that public opinion was wholly disregarded. Now, he would venture to say, that while, on the one hand, there never was a period when the direct influence of the Crown in that House was so small—so, on the other hand, there never was a time when the direct influence of public opinion was so all-powerful as at the present moment. He did not complain of this change; he respected the wishes—he respected the feelings of the people, and he trusted he should always endeavour to consult their interests. He did say, however, that it was the duty of the government, in whosoever hands it might be placed, not to consider every particular expression of public opinion as a necessary law by which they were to be guided. If they had not the firmness to look to the right and wrong side of a question—if they were to be swayed by every wind that turned the tide of popular opinion—it was impossible that the government could be conducted efficiently or beneficially, with a view to the interests of the people themselves. When he said this, he did not wish it to be supposed that he thought lightly of public opinion. On the contrary, no man respected it more; and he believed that in this country, above all others, when public opinion was once fixed and deliberately entertained, there did not exist a power, either in the Crown or the parliament to resist its operation. He had endeavoured very shortly to state the general grounds, on which he conceived that, however well-founded the principle of controlling the influence of the Crown might

be, his hon. friend had not succeeded in making out a case, as arising out of the present constitution of the House of Commons to justify his proposition. He was aware that much odium would probably be cast upon the House if they rejected this measure: it would be urged that nothing could induce them to purify themselves. He trusted, however, that the House would never be driven by unjust calumnies, into the adoption of a measure, which, looking to larger views than the mere discussions of the day, was calculated to destroy in the House of Commons that just, reasonable, and natural influence, of which all statesmen and philosophers had admitted the necessity, in support of the supreme power of the state.

Colonel *Davies* said, that so far from the influence of the Crown being less now than it was formerly, he thought no man could lay his hand on his heart and deny that it was greater than at any former period. If those who sat in that House really represented the people, then the motion would be unnecessary; for then, if members acted improperly, they would speedily be removed by those whose suffrages had sent them there. He was not one of those who contended that the Crown ought to possess no influence in that House, or that the House ought to be swayed by every breath of popular opinion. Still, he was decidedly opposed to its possessing such means of influencing its decisions as were now given to it. But it was said that fewer placemen were at present in the House than had sat there at any former period in modern times. He denied the fact. He would assert that there were more members in the House now who were connected with the Crown than sat there in 1808; as he calculated that at present there were not fewer than 80 or 90 who were directly or indirectly under the influence of the Crown. The right hon. gentleman had stated, that in 1740 there were not fewer than 200 members in that House, who were connected in some way or other with the government. But in that number the naval and military officers who had seats were included, to whom he did not object. He animadverted on the extensive patronage at present enjoyed by the Crown, and insisted that it was the duty of the House to do every thing in their power to curtail the enormous influence now exercised. It had been said, that the government ought to be dependent on the House of Commons. He denied the correctness of this position, and maintained that every government ought to depend not upon a House of Commons, but on public opinion.

The House divided: Ayes, 52; Noes, 76: Majority, 24.

List of the Minority.

Benett, John	James, W.
Bernal, R.	Johnson, colonel
Boughey, sir J.	Lushington, Dr.
Boughton, sir W. E. R.	Martin, John
	Milton, visct.
Bright, H.	Monk, J. B.
Byng, G.	Newman, R. W.
Burdett, sir F.	Ossulston, lord
Chaloner, Robt.	Palmer, col.
Chetwynd, G.	Palmer, C. F.
Creevey, Thos.	Phillips, G.
Denman, T.	Rickford, Wm.
Ebrington, lord	Rice, T. S.
Evans, Wm.	Ricardo, D.
Folkestone, lord	Robinson, sir G.
Gaskell, B.	Russell, lord J.
Gordon, R.	Scudamore, R. P.
Grant, J. P.	Smith, R.
Grattan, J.	Smith, W.
Graham, S.	Tavistock, marq.
Griffiths, J. W.	Tennyson, C.
Guise, sir W.	Tynte, C. K.
Harbord, hon. E.	Warre, J. A.
Hamilton, lord A.	Webb, E.
Heron, sir R.	Western, C. C.
Hornby, hon. E.	TELLERS.
Hobhouse, J. C.	Bennet, hon. H. G.
Hutchinson, hon. C. H.	Davies, colonel.

Ordnance Estimates.] The report of the Committee on the Ordnance Estimates was brought up. On the resolution, "That 43,071*l.* be granted for the Salaries of the Master General, &c. of the Ordnance, employed at the Tower and Pall-Mall,"

Mr. *Hume* said, that no item in the estimates displayed more clearly the profusion of ministers than that now under consideration. In 1796 the establishment cost the country 18,827*l.*, and they had now voted for the same service, including 20,000*l.* for gratuities, no less than 63,071*l.* He concluded by moving that this item should be reduced by 15,800*l.*, leaving a nett vote of 27,271*l.*

Mr. *Ward* said, that the increased amount of the item was to be ascribed to the great increase in the accounts, arising from the addition of the Ordnance estimates of Ireland, the half-pay, the colonial accounts, &c. It was impossible, even

with the present establishment to keep up with those accounts; they were reducing the arrear, however, as fast as possible.

The House divided: For the Amendment, 72; Against it, 93. Majority 21.

List of the Minority.

Abercromby, J.	Mackintosh, sir J.
Bernal, R.	Milton, visc.
Benyon, J.	Macdonald, J.
Barrett, S. R.	Monck, J. B.
Beaumont, T. W.	Maberly, W. L.
Byng, G.	Martin, J.
Bennet, hon. H. G.	Newman, R. W.
Bury, lord	Newport, sir J.
Bright, H.	Ord, W.
Boughey, sir J.	Palmer, C. F.
Boughton, sir W. R.	Philips, G. jun.
Birch, T.	Phillips, G.
Benett, J.	Robarts, A.
Calcraft, J.	Ricardo, D.
Creevey, T.	Rumbold, E.
Chaloner, R.	Russell, lord W.
Coffin, sir I.	Scarlett, J.
Davies, col.	Smith, W.
Denman, T.	Smith, hon. R.
Dundas, hon. T.	Smith, R.
Ebrington, lord	Smyth, J. H.
Fergusson, sir R.	Sefton, lord
Grenfell, P.	Townshend, lord, C.
Grattan, J.	Tierney, rt. hon. G.
Grant, J. P.	Tennyson, C.
Gipps, G.	Tynte, C. K.
Harbord, hon. E.	Taylor, M. A.
Hobhouse, J. C.	Tavistock, lord
Hutchinson, hon. C.	Wood, M.
Haldimand, W.	Wyvill, M.
Hurst, H.	Webb, col.
Hamilton, lord A.	Western, J. C.
James, W.	Warre, J.
Johnstone, col.	Wilson, sir R.
King, sir J. D.	TELLERS.
Lushington, Dr.	Hume, J.
Lockhart, W. E.	Gordon, R.
Maberly, J.	

On the resolution for granting 56,000*l.* to defray the Incidental Charges, Ordinary Repairs, and Barrack Expenses at the Tower, and the several Forts, Garrisons, and places under the Ordnance in Great Britain, Guernsey, and Jersey, Mr. Gipps moved an amendment to reduce the grant to 34,000*l.*

Mr. *Denman* trusted his hon. friend would press his amendment to a division, were it only to shew the country that at least some of their representatives were determined to do their duty.

The House divided: For the Amendment, 68; Against it, 94.

List of the Minority.

Allen, J. H.	Bernal, Ralph
Benyon, Benj.	Byng, Geo.
Birch, Josh.	Maberly, W. L.
Barrett, S. M.	Martin, John
Bury, viscount	Mackintosh, sir J.
Bright, H.	Monck, J. B.
Boughton, sir W. R.	Maxwell, J.
Bastard, C. P.	Newman, R. W.
Benett, John	Newport, sir J.
Boughey, sir J.	Ord, W.
Concannon, L.	Palmer, C. F.
Chaloner, Robt.	Phillips, G. jun.
Calcraft, J.	Rogers, Ed.
Coffin, sir I.	Russell, lord W.
Dundas, hon. T.	Robarts, A.
Duncannon, visct.	Rice, T. S.
Evans, W.	Rumbold, Chas.
Fergusson, sir R. C.	Scarlett, J.
Fane, John	Smith, hon. R.
Gordon, R.	Smith, Robt.
Grant, J. P.	Smith, J.
Grenfell, Pascoe	Smith, W.
Haldimand, W.	Smyth, J. H.
Hume, Jos.	Tennyson, C.
Harbord, hon. Ed.	Townshend, lord C.
Hurst, R.	Tierney, rt. hon. G.
Heron, sir Robt.	Wilson, sir R.
Hobhouse J. C.	Wood, ald.
Hutchinson, hon. C. H.	Warre, J. A.
	Wyvill, M.
Johnson, col.	Webbe, E.
James, W.	Western, C. C.
King, sir J. D.	TELLERS.
Lockart, J. J.	Denman, Thomas
Lennard, T. B.	Gipps, George.
Milton, visct.	

Amendments to several of the resolutions were also moved by Mr. Hume, and negatived without a division. On the resolution for granting 137,000*l.* for the Barrack Department, Mr. Bernal moved a reduction of 78,000*l.*

Mr. *Hume* contended, that the expense of the barrack establishment might be diminished one half. There was 18,000*l.* charged in London alone, half of which might be saved. As to carrying on the contracts, he should rather recommend to give them up to the contractors, than see them continued. He would readily consent to a vote for pulling the barracks down, as he conceived the greater part of them to be unnecessary.

The House divided: For the Amendment, 61; Against it, 104.

HOUSE OF COMMONS.

Friday, June 1.

MAXWELL'S SLAVE REMOVAL BILL.] Mr. *J. P. Grant*, on moving the second reading of this bill, said the application was made from motives of humanity. He yielded to no man in wishing emancipation to the negroes. If he thought the effect

of this bill would be to injure the negro population, he would never have introduced it. He was sure there was no man to whose care the welfare of those people could be confided with greater security, than to Maxwell. The fact was, that the negroes on his estate at Antigua could not support themselves; nor for sixty years past was a single negro introduced to supply the casualties which must necessarily have ensued. The soil besides was rendered less productive, in consequence of the want of hands to cultivate it; and to make up this two-fold loss, Mr. Maxwell now appealed to the House for a dispensation of the law which prevented the removal of slaves. He did not mean to enter into the question as to the policy of general removal, but he was sure no population was more likely to outgrow its means of subsistence than a slave population. He saw no danger of the present measure becoming a precedent, for no such application could be made unless in a case which would go all fours with it. If the House allowed the bill to go into the committee, he pledged himself to oppose it, if all the particulars of the preamble were not fully proved.

Mr. *Goulburn* felt it his duty to oppose the bill, on the broad ground that, under no circumstances, the removal of slaves from insular to continental possessions ought to be countenanced. Parliament could not pass the present bill in favour of Mr. Maxwell, and refuse similar applications on the part of other proprietors; and many persons were waiting for the result of the present proceeding, and who regarded the application of Mr. Maxwell as a sort of forlorn hope. Should it succeed, the doors of parliament would be surrounded with persons urging similar claims. Besides, to grant such exemptions would be equally impolitic and unjust. It would be highly dangerous to transport slaves from insular possessions, to which they were attached, and on which the British navy could be easily brought to operate in case of any insurrectionary movements; and, with respect to the slaves themselves, to tear them away from the place of their birth—from a country where the arts of social life had advanced, to remote and uncivilized regions would be highly oppressive. Under all the circumstances, he felt it his duty to move, as an amendment, that the bill be read a second time that day three months.

Mr. *Calcraft* was for sending the bill to a committee, where objections, if any existed, would be urged against it.

Dr. *Phillimore* considered the bill unjust and oppressive, because it was a measure for the transportation of 329 persons from a dry and healthy climate to a new country.

Mr. *Wilberforce* opposed the bill, its object being to remove 329 human beings from the place of their nativity. To tear people from a good dry soil to the swamps of Demerara, was an act to which he never would become a party. Besides, their food would be changed, and their work augmented, Now, every one knew how different were the conditions of Antigua and Demerara; in fact, no greater difference could be conceived than existed between these colonies. In Antigua, such was the progress of improvement, that the coloured people voted at elections, and were allowed to give testimony in civil as well as in criminal cases; but in Demerara they were slaves in every sense of the term. What compensation, then, could be given these 329 negroes for removing them from a place where, by their industry, they could purchase their manumission and become useful members of society, to a quarter where a dungeon would be their abode, and where, with a stinted food, they would be compelled to additional labour? Again, in Antigua a great portion of the population enjoyed the blessings of Christianity. Were these 329 persons to be reduced to such a deteriorated condition, in order that the plantation of an individual might be made to yield a heavier crop? Whatever the humanity of Mr. Maxwell might be, sure he was, that the House would give its opposition to such a claim.

The Marquis of *Londonderry* said, that if the principle of the bill was good, it should be generalised. The question was, whether the learned mover was prepared to put the proposition on its general footing. If they opened all the fertile lands of the British possessions on the continent to the negroes of persons in the situation of Mr. Maxwell, they sealed the depopulation of the West India Islands. The stream of emigration once opened, must continue to flow in; and the question was, would it be advisable to change the degree of advancement and civilization which existed among the negroes in the islands, for that which was likely to be offered on the continent? He thought not; and as he

was not prepared to admit the general principle, he saw no reason for establishing an exception in the case of Mr. Maxwell. That gentleman might transport the slaves to his own estate in Grenada; but he was not entitled, on ground of dry colonial speculation, to transport them to Demerara.

Sir *J. Mackintosh* said, that those who were unacquainted with the subject, must have supposed that, as the law stood, Mr. Maxwell was obliged to keep his slaves in the island of Antigua; else to what purpose speak of the cruelty of tearing men from their connexions, of the supposed excellence of the laws of the society, or the moral and religious state of the island? The same statements were also contained in a paper, which came, he believed, from its eloquence, from a learned friend of his (Mr. Stephen), no longer a member of the House. But how did these *ardentia verba* apply? It was certain that the slaves could not continue in Antigua; that Mr. Maxwell must be ruined, if he continued the cultivation of his estate with them; and the question was, whether it was better that they should be dispersed, as the chance of traffic directed, or should be kept together in one body, under the paternal management under which they had been for 60 years? As to the estate Mr. Maxwell had in Grenada, it was merely twenty short of the full number of hands, and that deficiency arose from his not having ever purchased any slaves. The two questions respecting the bill were, as to the happiness of the negroes, and the danger of the example. As to the first, he thought it would be necessary to make out a very strong case against Demerara before they could decide that it would be worse to send the negroes there in a body with all their friends and neighbours, than to disperse them with all the chances of cruel masters and cruel overseers. The objections to Demerara were, that the laws were bad. It was the fault of the House if they were so; and surely that was not an argument which they, whose duty it was to amend the laws, should use. If the laws were too bad for 329 new slaves, they were certainly too bad for the 100,000 who were now in the colony. As to the climate, he would not support the bill if it should not be satisfactorily proved that it was not destructive. An objection had been raised because this was a private bill; but it was attended with this advantage, that Mr. Maxwell was strictly bound to proof. As to the danger of example, he now proposed to withdraw the present preamble, and to recite the facts of the case as they should be proved. Mr. Maxwell was also willing to stipulate that he should establish a precedent in favour of the negro population, by being bound to purchase an estate and keep them together on it. He was ready also to have it made imperative upon him to purchase only such a place as the authorities of the colony should certify the salubrity of. He was ready to build a church, and to endow it for a minister of the church of England or Scotland, for the benefit of the negroes. No danger therefore could result from the precedent which this bill would establish.

Sir *R. Wilson* expressed his surprise that it should be attempted to make this enlightened country incur the disgrace of extending slavery on the continent of South America, while the principles of liberty were rapidly advancing in that quarter of the world.

Mr. *Baring* said, that gentlemen were under a misconception, if they supposed that the rejection of this measure would contribute to the happiness of the slaves in Antigua, as, on the contrary, that rejection would serve to involve them in inevitable misery. He would be among the last to support such a bill, if he thought its adoption would interfere with the happiness of the negroes. The bill was evidently grounded upon the principle that prompted this country occasionally to take measures for getting rid of its surplus population through the medium of emigration; and he begged the House to consider, that if no vent were allowed for the surplus population in a particular colony, that surplus was but too likely to be slighted. For the same reason, then, that almost every parish in England was crying out for the means of removing its surplus population, he called upon the House to agree to this bill, particularly for the sake of the blacks themselves.

Mr. *Peel* strenuously resisted the measure. Viewing it merely as a matter of mercantile speculation, it gave the possessor of these slaves an unfair advantage. But if it was objectionable as a precedent, he thought it still more objectionable in regard to its consequences. It did not appear that the slaves could not be maintained on other estates in the island; and if so, they ought not to be subjected to the grievous suffering of being separated

from the soil to which they had become accustomed, and sent to such a colony as Demerara. He trusted, on every account, that the bill would be indignantly rejected.

Mr. *Barham* shortly supported the second reading. He wished Mr. Maxwell to have the opportunity of proving his facts; if he did not establish them, then would be the time for throwing out the measure.

Sir *I. Coffin* believed, from what he knew of the situation, that the slaves would rather have their throats cut than be removed to Demerara.

The House divided: Ayes, 47; Noes, 98. The second reading was then put off for three months.

The Budget.] The House having resolved itself into a Committee of Ways and Means, to which the annual Accounts of the Revenue, and the Disposition of Grants were referred,

The *Chancellor of the Exchequer* rose. He said, that the House having now discharged its functions by voting the Supplies, which ministers had found it their duty to ask for the service of the present year, and the estimates having been printed, and for some time past in the hands of the members, he now felt it his duty to submit to the committee a statement of the Ways and Means by which he proposed that the expense of those supplies should be met. The House were well aware, that for particular reasons, he could have been happy to defer entering on the subject to a future day. But, as he could not postpone the annual statement which it was customary for the chancellor of the exchequer to make without rendering his conduct liable to a serious misconstruction, he had not thought it right to interpose any delay, as he considered that nothing short of the most imperious necessity would justify him in taking such a course, or in suffering the task of bringing it forward, to devolve upon any of his hon. friends near him, although he was sensible that the duty might be discharged by them in a manner more satisfactory to the committee. Unwilling to intrude upon them, he took upon himself the performance of the duty, and would endeavour as clearly, but at the same time as shortly as possible, to bring the Ways and Means for the present year before the House.

In the first place, he would state the Supplies which had been voted, and he would then enumerate the Ways and Means by which they were to be met. The House had already sanctioned estimates for the army, amounting to 8,750,000*l.*: in the last year they were 9,443,000*l.* The estimates for the navy this year were 6,176,700*l.*, and were last year 6,586,695*l.* It was to be observed, however, that 100,000*l.* yet remained to be granted for this branch of service, on account of superannuations. The estimates for the Ordnance in the present year were 1,195,100*l.*, and last year they amounted to 1,199,650*l.* The estimates for Miscellaneous Services had in part been agreed to by the House: the greater number, though not the greater amount, however, yet remained to be discussed; but he would, for his present purpose, assume that they would all be hereafter sanctioned by the committee of supply. For this year, then, they amounted to 1,900,000*l.*, while in the last they had risen to 2,444,100*l.* The total amount, therefore, for the different services this year was 18,021,800*l.*, and for those of the last had been 19,673,688*l.* It was therefore obvious that if the House should give its sanction to the full extent of the estimates proposed this year, a reduction of expenditure would be effected to the amount of 1,651,888*l.* It would be in the recollection of the House, that when at an early period of the session, he had intimated an expectation that a diminution in the public expenditure would be effected to the amount of a million and a half, there were not wanting those who were not ready to assent to the probability of such a reduction being accomplished. It would therefore appear, that in this instance, his majesty's ministers had gone beyond what the House had expected. To the supplies which he had already enumerated, there was to be added for the interest of Exchequer bills the same sum that had been voted for a similar purpose last year; namely, one million. To this must be added for the sinking fund on Exchequer bills 290,000*l.* making, with the supplies which he had already gone over, the total amount for the service of the present year, 19,311,800*l.* The total voted under the same heads for last year was 21,083,688*l.* It would therefore be seen that the reduction effected in the present year did not fall far short of 1,800,000*l.*, its amount being 1,771,888*l.*

He would now proceed to lay before the committee the Ways and Means to which he had proposed to direct their attention. In the first place the House had sanctioned the following: Annual taxes:—4,000,000*l*. The House had sanctioned taxes to this amount instead of that of 3,000,000*l*. at which they had been taken last year. The reasons for taking them at 4,000,000*l*. for the present year he would proceed to explain. A certain portion of the excise duties granted during the war, and which were to have expired on the 5th of next July, had been added to the annual taxes, instead of being continued to the consolidated fund. The produce of these having heretofore amounted to a million, he had felt justified in adding that million to the estimated amount of the annual taxes. But it was proper to remark, that for the increase so claimed, a corresponding diminution would be found in another portion of the Ways and Means. This would be seen in the very next article. The committee would find that the temporary excise duties for the present year were taken at 1,500,000*l*. instead of 2,500,000*l*. at which they were estimated last year. The reason of this he had already explained, while stating the increase in the annual taxes. The result was this, that under the two heads he had enumerated, the expected produce was precisely the same as last year, the amount being 5,500,000*l*. The lottery he took in the present year at 200,000*l*. In the last year it was taken at 240,000*l*.; but as the actual produce had fallen considerably short of that sum, he did not deem it prudent to take it at more than 200,000*l*. For the old stores he thought he was entitled to take 163,400*l*. The next item was in its character somewhat novel and extraordinary, and required explanation. He had just laid before the House, papers by which it would be seen that there was a surplus of the pecuniary indemnity due to this country from France, amounting to 500,000*l*. which was applicable to the public service of the present year. He regretted that he could not lay before the House a detailed account of the whole of the payments which had been made by the French government, and their application. It had not been possible to get it made up in time, the payments not being completed; but early in the next session, he expected it would be laid upon their table. At present he would give the House such information as it was in his power to supply from memory. It would be remembered that the sum to be paid by France as an indemnity to this country, had amounted to 125,000,000 of French livres, or about 5,000,000*l*. sterling. From this sum the bounty of parliament had taken 1,000,000*l*. which had been bestowed, in conjunction with our allies, as a donation to the army employed in achieving the last glorious events of the war. The extra expenses of the army of occupation had been provided for by further deductions to a considerable amount. The French government, in addition to the sums paid as indemnities, had advanced other sums to meet the expense of the army of occupation, which it had been thought necessary to maintain in France. But as the allowances for a continental army were not equal to those required for a British army, a considerable expense had fallen upon this country which, though in the first instance met from other sources, had finally been paid out of the indemnity. The sums issued by the paymaster-general, amounting to 1,200,000*l*. had also been taken from the same source. Other payments had been made for the Hanoverian troops which formed a part of the British army. Various sums had been paid to individuals who had claims on the British government for services performed. The French government, pursuant to the treaty concluded, had made a liberal provision for the relief of those who had suffered from the spoliations of their armies. In some instances, claims of a similar description had been made on the British government. These had been answered, and after providing for the various charges which he had described, and further, after advancing to complete the fortifications in the Netherlands, the sum of 2,000,000*l*. there remained a surplus of 500,000*l*. applicable to the service of the present year, and perhaps a small additional sum at the winding up of the accounts might be applied to the Ways and Means of next year. He hoped he had stated the outline of the case intelligibly to the committee. For the particulars, of course, they must wait until the accounts could be produced. The next item to which he had to call their attention, was the sum received in re-payment of Exchequer bills for public works, under an act passed in 1819. The sum realised last year under this head, was 198,000*l*.

In the present year it amounted to 125,000*l*. While he was upon this subject, he could not but congratulate the House upon the successful operation of the act to which he had alluded. By the issue of Exchequer bills which that act had authorized, most important assistance had been afforded to the industry of the country, and several public works had been brought to a successful conclusion, which had previously languished from a want of funds to carry them on. Upon this subject, therefore, he sincerely congratulated the House, that without bringing any charge on the country, effectual aid had been given to those engaged in carrying on important, and in many instances necessary public works, which could not but prove highly conducive to the general good. The only remaining item to which he had to call the attention of the committee, was a surplus of the Ways and Means of 1820, amounting to 81,630*l*. The total amount, therefore, of what was called the ready-money produce of the year, it would be seen was 6,570,030*l*. In order to make this sum meet the Supply, which he had stated amounted to 18,021,000*l*. it became necessary to take a loan from the sinking funds of Great Britain and Ireland; he therefore took from the sinking fund of Great Britain, 12,500,000*l*.; from that of Ireland, 500,000*l*. The reason for that division had been not only to leave a larger sum in the market, but also because the sum of about 500,000*l*. was necessary for the payment of the excess in Ireland beyond the amount of her consolidated fund. Perhaps it might be right here to observe, that in consequence of this diminution of the sinking fund of Ireland, which would still, however, leave a considerable sum applicable to the purchase of stock, a necessity was felt of allowing the re-transfer of stock, from Ireland to England; so that a stockholder would be enabled to choose in which part of the empire he would receive his dividend. This would also be the means of producing other beneficial effects on the market. To these statements was only to be further added the increase of capital of the Bank of Ireland equal to 500,000*l*. Irish, or 461,589*l*. British currency. The total amount of the Ways and Means would thus be, as he had already said, 6,570,030*l*. from the ready-money produce of the year; and 13,461,539*l*. from the sinking fund, and the Irish Bank capital, making in the whole 20,031,569*l*., or an excess of about 13,000*l*. beyond what the service of the year would require. The total amount of the Supply, and of the Ways and Means was as follows:

SUPPLY.

1820		1821
9,443,243	Army	£ 8,750,000
6,580,695	Navy	6,176,700
1,199,650	Ordnance	1,195,100
2,444,100	Miscellaneous	1,900,000
19,673,688		18,021,800
18,021,800		
1,000,000	Interest on Exchequer Bills	1,000,000
410,000	Sinking Fund on do ..	290,000
21,083,688		19,311,800
19,311,800		
1,771,888		
	By Reduction of Unfunded Debt, viz	
9,000,000	Irish Treasury Bills ....500,000 Bills for Public Works 206,400	
		706,400
30,083,688		20,018,200

WAYS AND MEANS.

Granted for 1820		Estimate for 1821
3,000,000	Annual Taxes	4,000,000
2,500,000	(Excise Duties) Tea Duties	1,500,000
240,000	Lottery	200,000
260,000	Old Stores	163,400
	Surplus of Pecuniary Indemnity payable by the French Government............. .	500,000
198,000	Exchequer Bills for Public Works repaid	125,000
	Surplus of Ways and Means, 1820	81,630
		6,570,030
	Sinking Fund Loan, viz.	
12,000,000	Great Britain . 12,500,000 Ireland 500,000	
		13,000,000
	Bank of Ireland, Increase of Capital 500,000 Irish Currency being in British Currency	461,539
12,000,000	5,000,000 Loan 7,000,000 Funding Exchequer Bills	
30,198,000		£.20,031,569

He had stated that a large diminution had been made in the public expenditure for the present year. He did not know that he had a right to hold out the expectation that any farther material reductions would be made. But he could state that the government had most anxiously turned their attention to this subject, and every saving that could possibly be made, consistently with the honour and security of the country, would be brought under the consideration of parliament in the ensuing session. But while he stated it to be the object of ministers to make every possible reduction in the public expenditure, it was proper he should mention that there were one or two contingent circumstances which seemed likely to cause an increase, if not in the present year, yet probably within a short period. The first of these was the charge of the out-pensioners of Greenwich Hospital. This had hitherto been met by a fund, to which officers contributed from their prize-money, and which continuing to accumulate in war had hitherto been sufficient to meet the expense thus thrown on it. But the interest of the fund so established, was no longer equal to the burthen, and it was therefore probable that the charge must fall upon the public. It was however expected, that in the course of five or six years, from the diminished expense which might be calculated upon, and from other circumstances, that the fund would again be sufficient, and the public be relieved from the burthen. But a legal doubt had lately arisen whether any thing, except from the interest, could be taken to meet this head of expense, or whether the capital could be at all touched, to provide for any part of that disbursement. It was, in fact, thought that, as the law stood, there was no power of applying to the current service any part of the surplus after defraying the charges of the in-pensioners and of the hospital itself. The question was therefore, whether it might not happen, when the interest was applied in the manner he had mentioned, that the expense of the out-pensioners would fall upon the public. If this occurred, the amount to be provided (that was, supposing the whole expense of the out pensioners to fall upon the public) would be 300,000*l.* a-year. He repeated that this legal question had been raised, and might possibly involve in the present year a claim upon the country for the amount which he had mentioned. This was one of the contingent circumstances which might call for some additional expense; the other was that of the claims of the East-India Company, arising out of a mixed and complicated account between that corporation and the government. With respect to this account, he felt it right to say, that government had no other wish but to see it equitably adjusted. Whenever the adjustment took place, and a balance should be struck against government, of course a demand *quoad* that amount would be made to discharge the debt. That demand might be made within the present session, if the account should be settled in time to show how the balance stood. He begged at the same time to add, that he did not mean now to call for any further grant in the Ways and Means on this account; and it was doubtful even whether he ever should; for he thought that, with a small variation in the time of paying the Exchequer bills, an adequate arrangement might be made for liquidating the balance. The Company's claim was two millions; one million of which was considered at present doubtful, owing to the nature of the items composing the account; for instance, there were extravagant sums charged by way of interest for payments made by the Company on the part of the government, under several heads on India. This account, he repeated, the government were anxious to have settled upon an equitable basis; and they were determined, in future, to prevent such an accumulation of arrears, by having the accounts between the Company and Government annually audited and settled.

He had already shown, that the supply for the present year, including 500,000*l.* for Irish Treasury bills, and 1,000,000*l.* for the interest of Exchequer bills, with a sinking fund on them of 290,000*l.* amounted to 20,018,200*l.* exclusive of the supplies necessary to meet the existing debt, amounting to 30,706,400*l.* He wished now to show how the sinking fund loan would operate upon the purchase of stock. It would be undoubtedly satisfactory to persons connected with the funds to know, that although a loan of 12,500,000*l.* was to be taken from the sinking fund in the present year, and though but 12,000,000*l.* had been taken in the last, the sum for this year's purchase of stock was 60,000*l.* larger than the sum appropriated to a like purpose in

the year 1820. He then entered into a more detailed comparison of the sums received by the commissioners for the reduction of the national debt in Great Britain and Ireland, in the year ending 5th January, 1821; and an estimate of the sums which will be received by them in the year ending 5th January, 1822, exclusive of the sums set apart to pay life annuities, which was as follows:—

—	Sums applicable to the		Total Sums received.
	Purchase of Stock.	Sinking Fund Loans.	
Great Britain.			
Year ending 5th Jan. 1821	4,101,024	12,400,000	16,501,024
1822	4,160,202	12,000,000	16,160,202
Ireland (B. C.)			
Year ending 5th Jan. 1821	645,865	....	645,865
1822	491,294	174,462	665,756
United Kingdom.			
Year ending 5th Jan. 1821	4,746,889	12,400,000	17,146,889
1822	4,651,496	12,174,462	16,825,958

In another year he hoped there would be no occasion to take a loan from the sinking fund of Ireland, but that its full amount would be left to operate upon the public debt. There was another important view to be taken of this subject. The finance committee of 1817 and 1818, besides unravelling many other intricate accounts, called for statements of the cash payments made in each year by the commissioners for the reduction of the national debt, in order to show how much the debt was diminished, and how much of the sum taken to liquidate it was made good by borrowing. This view of the subject he had called upon the House to take in the last as he did in the present year, and to compare the actual income and expenditure of the years 1820 and 1821. In the year ending January the 5th, 1821, the revenue actually received in the United Kingdom, amounted to 54,022,714*l.* To this was to be added, for the lottery 156,154*l.* For old stores 263,820*l.* Repayment of Exchequer bills 198,000*l.* Amounting together to the sum of 54,640,688*l.* And now he came to the Expenditure of the same year:—The actual charge on the consolidated fund was 48,597,157*l.* Interest upon the Irish sinking fund and unfunded debt 2,300,219*l.* Making a total of 50,897,376*l.* This was the amount of the charges borne by the public, exclusive of the supplies for the service of the year, which he had before enumerated. The actual expense for the army, navy, and other services made the total charge amount to 71,199,864*l.* Then if the actual income were deducted from the above amount of public expenditure, the latter would be found to exceed the revenue by 16,559,176*l.* But if the sinking fund were applied to this, amounting to 17,509,773*l.* in point of fact it would appear that there was a surplus of income over the expenditure amounting to 950,597*l.*—But this was not a fair way of viewing the subject, because the interest of the unfunded debt was charged 2,300,000*l.* Now, the actual amount of the interest of the unfunded debt outstanding, did not exceed 1,000,000*l.* and the amount of the sinking fund 400,000*l.* But then there had been a large arrear of Exchequer bills unsatisfied, to the amount of 900,000*l.* which had been met, and this was to be added to the debt liquidated in the last year, making a total of from 1,700,000*l.* to 1,800,000*l.* In the course of the year 1820, the situation of the country had improved to that amount clear of every thing.

He would now proceed to state what he thought would probably be the amount of the revenue of the present year. In the first instance, he would assume the general revenue to be the same as the last, and he would presently state the grounds upon which he made this calculation. He would take it then at 54,022,714*l.* The lottery at 200,000*l.* Old stores 163,400*l.* French indemnity 500,000*l.* Repayment of Exchequer bills for public works 125,000*l.* Total 55,011,114*l.* The amount charged to the consolidated fund would be short of what it was last year by about 100,000*l.* He would take it in round numbers at 48,500,000*l.* The interest of the unfunded debt, including Exchequer bills and some arrears due to the Bank of England 1,700,000*l.* Total 50,200,000*l.* Without going through the particulars of the supplies he had before enumerated, it would be sufficient to state, that these added to the sum he had just named, made the total expense of the present year 68,221,000*l.* being 3,000,000*l.* all but 100,000*l.* less than the expenditure of last year. Deducting the amount of the revenue from this, there would remain a sum of 13,209,868*l.* of expenditure beyond the revenue. But as the sinking fund amounted to 16,800,000*l.*, there would be an actual reduction of debt to the amount of 3,590,000*l.* As he before remarked, there was 400,000*l.* for the interest of Exchequer bills in arrear. This sum was to be added to the excess of in-

come in the present year, which would thus be made to amount to about 4,000,000*l.* It would be recollected that it was the object of the House to obtain a clear sinking fund of 5,000,000*l.* It was not likely that a sinking fund to that amount would be obtained in the course of the present year, unless the revenue experienced a very considerable increase. But there was every reason to hope that they would so nearly approach the accomplishment of the object the House had in view, as in the proportion of four to five.

He now came to explain the reasons that he had for calculating that the revenue of the present year would not fall short of the revenue of the last. The ground upon which he entertained this expectation was the amount of the actual payments into the Exchequer in the first five months in the year. So far as it was possible to make up the account (the Irish accounts being left one fortnight in arrear), it appeared that the progress of the revenue fully justified the hope he had expressed. The actual payments made in Great Britain, between the 5th of January and the 1st of June, 1820, amounted to 15,556,184*l.* But that sum included payments for the stock of malt in hand, which formed no part of the regular income of the year. The sum received for the stock in hand amounted to 312,353*l.* This deducted from the actual payments into the Exchequer for the first five months of the year, reduced the sum he had mentioned to 15,243,831*l.* The actual payments in Ireland, up to the 20th of May, amounted to 1,339,480*l.* The total amount for the United Kingdom being 16,583,311*l.* This was the amount of the revenue up to the period which he had mentioned in 1820. In the present year the actual payments made in Great Britain from the 5th Jan. to the 1st of June, amounted to 15,388,322*l.* The payments for Ireland 1,435,312*l.* Total, 16,823,634*l.* It therefore appeared that in the first five months of the present year there was an excess over the same period in the last of 240,000*l.* If they deducted from the last year's receipts the 312,000*l.* for the stock of Malt on hand, the revenue had thus cleared in five months 240,000*l.* of the extra sum raised last year upon that account; and they had only to make good 70,000*l.* in seven months, to place the revenue of this year upon an equal footing with the last, even with that adventitious increase of its amount. He thought then, that unless some unexpected misfortune occurred, it must be clear that ministers did not overstate the argument in their own favour, in making the calculation which he had just submitted to the committee. In 1819, parliament had determined on doing that which certainly threw a great burthen on the country, by imposing new taxes, calculated to produce 3,000,000*l.* for the purpose of obtaining a clear sinking fund to the amount of 5,000,000*l.* That object had not yet been attained, but he had shown the committee that they already approached a sinking fund of 4,000,000*l.* It would be well to remember what were the circumstances under which this effort was made. The situation of the country had been extraordinary in every point of view. Large reductions had been made within the period he had alluded to, of certain branches of the national debt. In August 1818, the Bank had held government securities to no less an amount than 28,000,000*l.* That sum had been reduced under the sanction of parliament, till the securities held by the Bank in exchequer bills were little more than 9,000,000*l.* beyond the usual current account. Thus the unfunded debt had not only been greatly reduced, but 19,000,000*l.* of the sum appropriated to that purpose had been paid to the Bank. In every other case, money paid by the government on one side and received by some party on the other, was immediately thrown into all the various channels of circulation. It was not so with respect to payments made to the Bank. Whatever sums they had received were taken from the general circulation, and this circumstance necessarily tended to cramp the resources of the country. Had not this money been in some degree thrown again into circulation, he hardly knew how the country could have sustained such an effort. But how had it been put into circulation? The Bank had employed it in purchasing bullion. This was certainly for a most important object—the resumption of cash payments. But the money was expended for that which was useless when it came into the country—which was laid up unprofitably in the coffers of the Bank, and could not be made available for a considerable time. These things considered, he doubted whether any country had ever made so severe an effort—had ever submitted to so great a sacrifice to sustain its credit, and to keep good faith in all its

engagements. The effort had been made, and the country had triumphed over the difficulties connected with it, and refuted the aspersions which had been thrown upon its integrity. He congratulated the House that it had been made, and that they now saw the Bank paying in cash. There was no longer a dread of further restrictions being imposed, but its payments in future would be left to take their natural course, and stimulate all the diversified powers of reproduction. This was already seen; and they beheld a degree of life and animation thrown into the industry of the country which had been little calculated upon a few months ago. The great increase which had taken place in the value of funded property, must increase the value of all other descriptions of property in the country. This must be felt in the mortgage or in the sale of lands, as many, reluctant to purchase stock at its present high price, were naturally led to employ their capital in that direction. In 1816 and 1817 much distress was experienced, similar to that which had recently been the subject of complaint. A general stagnation of trade was alleged to exist, an entire want of demand for different commodities, and a scarcity of the circulating medium. What was the effect of the rise in the funds which followed in the years 1817 and 1818? That rise was not so permanent in its nature, as, he trusted, the present would prove. We had then to undergo that great change in our currency which was now in progress, and to the consequences of which every one was then looking with alarm. They might now hope, from the measures which had been adopted, that if the advance of the country was more tardy than could be wished, that there was all the less danger of our going back to that state of distress from which we were recovering. If we should have no new enemy to encounter; fluctuations might be expected, occasional misfortunes would be experienced, and partial changes would take place in the value of property; but there were no grounds for anticipating a recurrence of calamity on a scale so general as that which seemed to threaten the nation before the great measure to which he had alluded had been adopted by the wisdom of parliament. But, reverting to the effect produced by the rapid rise of the funds in 1817, he could not but remember that on an occasion similar to the present, he had congratulated the House on the three per cents having risen to 74. The price had now for some days been above 74. Shortly after the period to which he had referred, they rose to above 80, and the consequence was, the most sudden revival of the industry of the country that had ever been witnessed. So that of late they had been accustomed to look back to the year 1818 as to a year of comparative prosperity. It was with pleasure that he directed the attention of the House to the change which had lately taken place, as nothing could more distinctly indicate the immense inherent resources, and the solid means which the country possessed. We had got over the difficulty arising from the state of our currency, certainly not without great inconvenience and suffering; but there were grounds for believing that much of that suffering proceeded from other causes. For it was remarkable, that similar distress had been experienced in most of the countries of Europe, and in a more extraordinary degree in the United States of America, where no such system as ours had been in operation to any considerable extent. It was therefore clear that some great and more general cause produced that wide-spreading distress which had been experienced. The attention of the House would soon be more particularly called to this subject, and he was therefore unwilling to detain them upon it now. He would only say, that a more striking illustration of the great internal resources of this country could hardly be afforded than was supplied by that change to which he had called their attention. He could not but notice with satisfaction the accumulation of capital which might be remarked among the lower classes. The wise measure adopted by parliament for establishing depositories for small savings had been attended with the most gratifying results, and furnished a curious barometer of the internal state of the country. Accounts which had been presented to parliament proved that these savings had progressively increased in every month up to the 5th of last April. The increase had in almost every instance been gradual and progressive. And at the latest period, a greater progressive increase appeared to have taken place than had been previously known. Since the 5th of April, from 19,000*l.* to 20,000*l.* per week had regularly been paid into the Bank of England upon account of Saving Banks. When this was considered, from

the view which it gave of the condition of the middling and of the lower classes—from the indications which it presented of the industry and wealth of the country—it might safely be assumed that there never was a period which furnished a more gratifying display of the safety of the country, and the stability of its resources. He felt the more satisfaction in pointing out these things to the consideration of the House, as individuals who were only in the habit of viewing public affairs through the medium of particular prejudices, were accustomed to describe the country as exhausted, enervated, crippled in its resources, and unable to make those exertions which particular circumstances might call for. Such ideas were erroneous. It was not true that other nations had gained advantages over us. He believed that England, compared with the other nations of Europe, would be found to have its full share of those blessings which peace might be expected to bring. This country had undoubtedly submitted to a greater effort of finance than had been made in any other. But this was the only country that had lessened its debt since the termination of the war, and in which taxes to the amount of many millions had been repealed. These circumstances were most gratifying subjects for reflection. Difficulties were still to be encountered, but greater difficulties had been triumphantly surmounted than any of those with which we had now to contend. What remained would, he doubted not, be vanquished, as those which preceded them had been, by the wisdom of parliament and the firmness of the people.—The right hon. gentleman then moved, "That 13,000,000*l.* be granted by annuities; 12,500,000*l.* whereof in Great Britain; and 500,000*l.* British Currency, in Ireland."

Mr. *Maberly* said, that the observations which he should now offer would refer, in a peculiar degree, to the supply for the year, as he could not see that there was any great objection to the general nature of the Ways and Means. In the early part of the session he had stated, that a saving might be made to a very considerable extent, under the head of "Supply," and he was sorry to see that so small a saving appeared to have been made. He would endeavour to point out what the real state of the country was at the present moment, and what he conceived would have been its state if judicious measures had been adopted. The interest of the debt, together with all sums appropriated in various ways to the payment of interest, amounted to 48,328,780*l.* He considered this to be a debt for which they were bound to provide, unless they proposed to be at once unjust and ungenerous. They had borrowed the money during the great struggle in which they had been engaged; and they had borrowed it on fixed and specific terms. Amongst others, it was agreed that a certain sum should be appointed as a sinking fund. He thought it was impossible to diminish that debt, except by a reduction of the 5 per cents in a subsequent year, by which a saving of 1,400,000*l.* might be effected. No reduction could be made in the 4 per cents, as they were connected with a very distant period. It appeared to him that the debt thus contracted should remain without interference. It had been stated that, to relieve the distresses of the country, particularly as they affected the agricultural interest, a tax should be laid on this species of property. He thought that those who had thus embarked their property, and who had made very considerable sacrifices already, ought not to be treated in this way. Prior to 1792, a large sum was due to them on the existing debt; and, by the act passed in that year, one per cent should have been put by on all sums borrowed after that period. That benefit was taken away from the fundholder, and large sums were abstracted from the sinking fund. The fundholder had given up his right cheerfully, because by doing so, he conceived that he kept up his own credit. But, if petitions had been presented, stating the facts of the case, and complaining of the proposed innovation, nothing except the utmost exertion of the strong arm of parliament could have accomplished that object. No less than one-sixth of the whole expenditure of the country, a sum of 12,000,000*l.*, was taken from the sinking fund. He did not expect much saving with respect to the large sum collected for taxes; but he was sure that a very considerable saving might be made in the mode of expending between 26 and 27,000,000*l.* The finance committee reported in 1818, that the expenditure ought not to be more than 17,350,000*l.*; but that sum was exceeded in 1819 by 1,900,000*l.*; in 1820 by 968,000*l.*; and in 1821 by 671,000*l.* That committee stated as their reason for suggesting a reduction, the distressed

state of the country. Ministers had, however, increased the expenditure of the country most improperly. The expense of the army might now, he conceived, be reduced to the full extent of 1,000,000*l.* The hon. member for Aberdeen had, fortunately for the country, examined the various items in detail; and although his exertions had produced no beneficial result this year, he was well satisfied that the stand made in that House, and the support which it had received out of doors, would lead ultimately to effects highly useful to the country. He expected that the right hon. gentleman would have proposed that 10,000 men should be taken from the army service, and 4,000 from the navy; but, although the right hon. gentleman had not done so, certain he was, that a reduction to that extent ought to take place. When he had formerly called for an investigation of the public accounts, the previous question was moved; but ministers had since come down themselves and called for a commission to examine the finances of the country; and what had been the result? Had not the expenditure increased since? Ministers came down with a resolution which set forth "that, in order to accelerate the period when the country should be relieved from part of its burthens, it was necessary that a vigilant control should be exercised over the whole expenditure of the country." Yet, in that very year the expenditure exceeded the sum recommended by 1,000,000*l.* Notwithstanding all that had been said by the right hon. gentleman, he believed the sinking fund last year was somewhere about 2,200,000*l.* He observed, with surprise, the large sum charged for interest of exchequer bills. It now appeared that a much larger sum was due for interest of exchequer bills than had before been heard of. There must be a debtor and creditor account of exchequer bills and interest; and for that document he should move. The House would thus be enabled to learn what amount of interest was actually outstanding. They were told that 4 or 500,000*l.* was so outstanding, but it was, at present, impossible for them to ascertain the fact. Had economy been resorted to, the right hon. gentleman would have secured that long sought-for sinking fund of 5,000,000*l.* It appeared to him that a sinking fund was necessary for the support of public credit; and it should always be of such a nature that circumstances should never make it doubtful whether the interest of the fundholder would be paid. In 1792, Mr. Pitt took a comprehensive view of the finances of the country, and set apart a certain sum to form a sinking fund. He went farther, and appropriated a sum in order to lessen taxation. If the same course were now adopted, it would essentially relieve the public. If, hereafter, of every million that was saved, one half was added to the sinking fund, and the other half appropriated to the reduction of taxation, it would produce more happy effects than if the whole were thrown into the sinking fund. And why? Because the people, who were paying such immense taxes, would then become satisfied that every effort would be made to relieve them, and there would be no necessity for supporting a lage standing army to keep them in order. When once they saw such a measure adopted, they would cease to be discontented with the government; and sure he was that they were not discontented with the constitution. He was far from taking a gloomy view of the resources of the country. He could not take such a view of a country which was able to supply 62,000,000*l.* of revenue. When he considered, that the capital of the public debt was increased in 26 years by 600,000,000*l.* which had accumulated from the savings of the people; when during that time it was notorious that a large sum had been expended on the soil; that roads had been formed, bridges built, canals excavated, towns almost wholly erected, and cities greatly enlarged; when, in addition to all this, he found that Scotland within the last 28 years had become almost a new kingdom, and that Ireland was much improved, he could not look with gloomy apprehensions to the resources of an empire which had made such mighty exertions. He hoped that the House would feel that it was expedient as well as just to keep its faith with the public creditor, and, above all, that it would check that innovating spirit which would introduce a tax on one species of property, in order to serve another. That was not the way to remedy the distress and inconvenience complained of. The only remedy which could be applied to the existing distress, was, he believed, that which a noble lord had stated elsewhere, namely, time. The landed interest had, no doubt, a very heavy account to settle

with their tenants, which could only be settled by a reduction of the price of labour, and by a diminution of taxation.

Mr. *Astell* did not wish to interrupt the general satisfaction which the statement of the chancellor of the exchequer had produced; but when he talked of certain balances claimed by the East India Company, as being of a doubtful nature, he could not allow that which appeared to him to be an evident breach of faith to pass unnoticed. That balances were due to the Company by the government had never been denied till this hour. It was fresh in the recollection of the House that the Company had given up their island of St. Helena to government for the purpose of keeping Buonaparte in safe custody. This was done with an understanding that the detention of that individual should not cost the Company any thing. But what was the fact? It had cost them annually between 2 and 300,000*l*. It was not the fault of the Company that the money had not been repaid. It had been repeatedly applied for. The Company had the promise of being paid 500,000*l*. in May, and the remainder in the July following.

Mr. *Calcraft* did not participate in the general satisfaction which had been alluded to by the last speaker. With such a code of revenue laws as we possessed, it would indeed be matter of surprise if the taxes were not collected. But, after all, the total of the statement of the right hon. gentleman appeared to be, that if we took away a fund appropriated for the payment of the national creditor, we should have, 6,000,000*l*. left to pay an expenditure of 16 or 17 millions. We borrowed from a fund set apart for the payment of debts, and we so borrowed in order to help on our national expenditure. We collected the revenue it was true, but we did it at the inconvenience, the distress, of the people. The right hon. gentleman had spoken of the advantage which had attended the erection of saving banks; but did he know that in every parish there were people out of employ, that rents were reduced, and that labour was paid out of the poor-rates? He believed the country could not be relieved without a material removal of taxation. His hon. friend had talked of increased capital; but he must contend that all the instances mentioned by his hon. friend were not proofs of an increased capital. It was merely a change of hands, as regarded capital already in existence. It was a mortgage upon his estate, and upon every man's estate; and we were all so much poorer by the amount of the interest. Hon. members should all put their shoulders to the wheels, and endeavour to relieve the country from its present difficulties.

Sir *J. Newport* was of opinion that what had occurred with respect to the revenue of Ireland would ultimately happen to the revenue of England. He argued, that taxation, augmented beyond a certain extent, must produce, not an increased, but a diminished revenue; a position which he exemplified by referring to a variety of articles which, having been taxed too high in Ireland, produced much less to the revenue than they had previously done.

Mr. *Ricardo* said, that the chancellor of the exchequer always gave a most flattering account of the state of the country. Last session he had declared that the funds which would be applicable to the expenditure of the present year would be much greater than what he had now stated them to be. He had stated that the addition to the sinking fund would have been 1,700,000*l*. instead of 950,000*l*. had it not been for the additional interest on exchequer bills. Now, he wished to know whether the interest of those exchequer bills had not been provided for in the preceding session? He thought a sum was voted for that purpose, because he took occasion, on the last budget, to remind the right hon. gentleman that he had made no provision whatever for the interest on the exchequer debt; and he stated in answer, that provision had already been made out of former votes. If that were the case, he must place this payment against certain debts which should be liquidated in the present year, and not against that which fairly belonged to the budget of former years. From the papers which were in the hands of members, it appeared that the account might be correctly stated thus:—By the annual accounts, the amount of the unfunded debt appeared to be 17,292,541*l*. There were funded, during the last year, 7,000,000*l*. exchequer bills, which, added to the former amount gave a total of 24,292,544*l*. There was a deficiency arising on the consolidated fund, which the right hon. gentleman had entirely left out of view. That deficiency amounted to 517,232*l*. during the present year, and this

being added to the enormous deficiency which existed before, might be stated, in fact, at 8,990,000*l*. And here he could not help remarking, that these accounts, from the way in which they were made up, did not give the committee that correct view of the state of the finances which it was desirable that it should be furnished with. If he wished to consult them for information, he could find no part from which he could clearly discover what the annual deficiency upon the consolidated fund really was. A paper having been moved for some time since, he was enabled to ascertain that on the year ending the 5th Jan. 1821, that deficiency was 8,850,327*l*. and in the year ending 5th Jan. 1820, 8,321,000*l*. The difference between the sums was 429,327*l*. Now, this being the case, what was the reason that in the annual printed accounts which were delivered to the House, the amount of the deficiency upon the consolidated fund for the very same period, was stated at 517,232*l*. instead of 429,327*l*? making a difference between those accounts and the return which he spoke of, of 87,905*l*. He did not mention this difference upon account of the magnitude of the sum, but for the purpose of showing how little reliance could be placed on these public accounts, under their present shape. But, to return to the matter of those accounts. It seemed that, during the last year, we had contracted loans to the amount of 24,292,544*l*. to which must be added, for the deficiency upon the consolidated fund, 517,232*l*., making together 24,809,776*l*. Against this amount they must put that part of the debt which had been paid off. It must be shown how much money had been devoted to that purpose; and then, whatever balance appeared, by so much had our debt increased or decreased. We had a sinking fund last year of 17,510,000*l*. The amount of treasury bills paid off was 2,000,000*l*. The difference between the amount of exchequer bills upon the 5th January, 1820, and the 5th January, 1821, was 5,934,928*l*. So that we had devoted, in truth, to the payment of the national debt, whether funded or unfunded, during the current year, the sum of 25,444,928*l*., and reckoning, as he did, the amount of the debt contracted to be during the same period, 24,809,776*l*., the difference would be 635,152*l*. The actual amount, therefore, of difference, between the debt on the 5th Jan. 1820, and the debt on the 5th Jan. 1821, did appear to be no more than 635,152*l*., although the right hon. gentleman by some other species of calculation, made it amount to 950,000*l*. The House was told by the right hon. gentleman, that there would be a sinking fund next year, of 4,000,000*l*. Now, assuming the revenue for the current year to be as stated by the right hon. gentleman, and supposing that there should be such a sinking fund, it was to be remembered that the right hon. gentleman had included in his calculation a sum of 500,000*l*. which he said he was to receive from France, and which was applicable towards the payment of the national debt during the present year. But if this 500,000*l*. was so applicable during the present year, it would not be in the next, or any future year. He (Mr. Ricardo) wished to know what funds could be made of general and permanent application in this way; and therefore it was of little avail to bring forward such a sum as this in such a statement. He took it that the sinking fund would really amount to 2,809,000*l*.; and the sinking fund on exchequer bills, to 290,000*l*., making the sinking fund 3,099,000*l*. instead of 4,000,000*l*. He confessed he was one of those who thought a sinking fund very useless. He did not mean to say that he was not favourable to such a fund in the abstract. Upon the principle of the thing there could be hardly any doubt; but, after the experience which they had had, he did not expect to see that principle acted upon. He did not expect that it would ever be made applicable to the reduction of the national debt. The hon. gentleman then briefly recapitulated the history of this fund from the time of sir Robert Walpole. When Mr. Pitt came into power, he was desirous of establishing a sinking fund upon the safest and most permanent principles, so as to secure it from all intermeddling of ministers. What had become of this sinking fund, and where were all these boasted securities? First of all, the present chancellor of the exchequer came down to the House boasting (as if he were going to confer a great obligation on the country and the fund-holder) of his intention to take about 7,000,000*l*. of the annual income of this sinking fund; and he then talked of the greatness of the treasure with which we should be incumbered. That right hon. gentleman's alarms ever seemed to arise, not from any prospect of our pover-

but from the great increase of our wealth; and accordingly he was always telling the House of the various mischiefs that resulted from excess of capital. Had that right hon. gentleman considered the true principles of capital, he would have seen that there never could be much danger of its excess. Upon the subject of this sinking fund, he would take the liberty of calling the attention of the House to a pamphlet which had been written under the auspices of a right hon. gentleman opposite he believed. [The hon. gentleman here read an extract from a pamphlet.] This was the system of which it had been gravely observed that no departure from the original measure, and no violation of the act of 1792, had taken place in the subsequent appropriation of the fund. Now, the principle of Mr. Pitt's system was professedly this —that thereafter, every war should carry in itself the seeds of its own destruction. In every word of the reasoning of this pamphlet upon this question, he (Mr. R.) did most cordially agree; and hence he inferred, that such appropriation as had been made of the sinking fund, was a violation of the public faith. It was the violation of that fund which had entailed upon us a large increase of debt; and they who expected to see it preserved inviolate hereafter, did, in his opinion, deceive themselves. The right hon. gentleman had ventured to apply, in payment of the interest of a new debt, almost all the sinking fund that remained to us. Almost all, did he say! The right hon. gentleman had, in effect, applied the whole of it. He had lately increased the taxes by 3,000,000*l.*, a sum which was more than the sinking fund actually amounted to. He (Mr. R.), therefore, was rather disposed now to say, "Let us have no sinking fund; let the money remain in the pockets of the people. When the ministers want supplies, whether for carrying on a war, or for any other purpose, let them come down to the House and ask for them, without having any such fund to resort to." Ministers were accustomed to tell the House that they must have a sinking fund to meet exigencies, to second the efforts of our armies and generals, and to inspire the enemy with a salutary respect for us. But the legal and the original intention of the sinking fund was, to pay off the national debt; in proof of which he might refer the House to a well known speech of Mr. Pitt's. [Here Mr. Ricardo read a passage from it.] After this declaration of Mr. Pitt, and after all which they had seen in late years, could they place any confidence in ministers as to their being likely to act upon such a principle? Under all circumstances, whenever a motion should be made for the repeal of any tax that was within the actual amount of the sinking fund, he, for one, would support such repeal. He knew it would be objected that the revenue would sometimes fall short in particular branches, which would make it difficult to supply the deficiency. If so, let government impose new taxes to raise the full sums necessary for the state; but he would never consent to this sort of misapplication of a fund created for the specific purpose of liquidating the debt of the country. But this sum had been appropriated and fresh taxes imposed likewise. The people consented to fresh taxes on that occasion, in the hope that they should the more speedily experience some relief; and but for this reasonable expectation, parliament too would never have been induced to impose them. Unfortunately, the people of England were at this moment much more in debt than they would have been if there had been no sinking fund in existence. He should offer but a word or two relative to saving banks. He highly approved of them; but a plan had been suggested by a gentleman in the country, to which he thought the House would do well to pay some attention. The name of this gentleman, he believed, was Woodrow, and his plan was one by which a life-annuity income might be obtained in these banks. The plan was, that persons at an early age might be willing to make a trifling sacrifice, which, by the operation of compound interest, would in the course, say of thirty or forty years, increase to a considerable sum. At the birth of a child, a father might be disposed to put by a small sum of money, for the purpose of procuring to the child an annuity hereafter; a plan of this kind would be productive of great benefits.

Mr. *Lockhart* said, that the chancellor of the exchequer had spoken of the magnanimity with which the people bore their burthens. The agricultural portion of the community had, indeed, exhibited magnanimity; but what magnanimity had been displayed by the stockholder, who was getting double what he gave? The magnanimity and the patience were all

on one side, and the gain all on the other. Although in figures there might be an apparent diminution of the expenditure of the country, yet with reference to the prices of corn and other articles, that expenditure was absolutely equal to what it had been in the heaviest year of the war. The end of all this was obvious. The only just course was, to resort to every species of retrenchment, and to take such measures as would subject every class of property to an equal share of the public burthens.

Sir *H. Parnell* said, that instead of the new taxes producing 3,000,000*l*., they had only produced about 700,000*l*, which proved that the sources of taxation were dried up, and afforded the best reason for retrenchment. They should recollect, that a war might become necessary, and that unless they husbanded their resources, it would be impossible to meet such an event.

Mr. *Hume* adverted to the report of the Finance Committee of 1817, by which it was recommended that these estimates should never for the future exceed 17,550,000*l*. In that very year, however, the votes of supply were 18,001,300*l*. and their present amount was much upon the same scale. The expense of the collection of the revenue, so far from being lessened, had, of late years, gone on increasing. In Scotland, the expense of collecting the revenue, which, in 1805, was between 4 and 4½ per cent. had increased year after year until it now amounted to between eight and nine per cent. In this one item a saving of 1,400,000*l*. a year might be made to the country. With respect to the debt due to the East India Company, he had told the directors, that if they suffered the government to continue in their debt, it would at last be said that nothing was due to them. To this circumstance it was owing that there were no detailed accounts of the expenses incurred for the detention of Buonaparte at St. Helena, which had already cost the country two millions. He contended that the sinking fund this year would not greatly exceed two millions.

Mr. *Ellice* thought it was very absurd to go through the farce of borrowing a certain sum from the commissioners for the reduction of the national debt, or, in other words, taking away part of the sinking fund, when the same object might be answered by cancelling so much of the debt. It was his intention to bring the subject under consideration in the next session.

The resolution was agreed to. On the resolution, that 200,000*l*. be raised by way of Lottery,

Mr. *Bernal* felt it his duty to oppose this immoral and unprofitable tax.

Mr. *Bennet* said, that if this vice of the people was to be taxed, he saw no reason why the example of the bishop of Winchester should not be followed, and a tax be imposed upon the stews and brothels of the metropolis. He cared not for the money, but he did for the character and morality of the people.

Mr. *Cripps* defended the lottery, as a less objectional mode of taxation than many taxes which already existed. If the tax were withdrawn, there could be no doubt that the same or a greater amount of money would be expended by the people in gambling of another description.

Mr. *W. Smith* said, that any gentleman who had been at Paris and passed through the Palais Royal, might have seen gaming, and other still more immoral practices carried on, from all of which a revenue was derived to the government; and the same arguments for continuing the lottery would be equally applicable to them.

Mr. *Gipps* opposed the system of lotteries. If the practice were once admitted to be bad, he saw no reason why it should be continued.

The committee divided: Ayes, 123; Noes, 65.

ILL-TREATMENT OF HORSES BILL.] The House having, on the motion of Mr. R. Martin, gone into a committe on this bill,

Mr. *Colborne* objected to the measure as wholly unnecessary. It would have the effect of punishing servants, whilst it would leave untouched the conduct of owners of horses, who were often cruel in matching them to perform great distances in very short periods of time. He could not but think that the House was too prone to legislation upon subjects which did not require it.

Mr. Alderman *C. Smith* thought the principle of the bill a good one, but he did not see why its enactments should be confined to horses. He thought that asses should also be protected from the cruelty to which they were so often exposed, and would move that the word "asses" should be inserted.

Mr. *Monck* considered the bill altogether unnecessary. It arose out of that spirit of legislation which was too prevalent in the present day. If a bill for the protection of horses and asses should pass, he should not be surprised to find some other member proposing a bill for the protection of dogs [a member here said "and cats"]. He thought it better that such matters should not be made the subject of legislation.

Mr. Alderman *Wood* reminded the committee, that there were acts in force for the protection of all animals within the bills of mortality. He should wish this bill to go farther, and protect all animals.

Mr. *Warre* thought the present law defective, inasmuch as whatever might be the brutality, yet malice must be proved in order to punish the offender.

Lord *Binning* suggested, that the cruelty of an owner to his animals should equally be included in the bill.

Mr. *Scarlett* thought the subject not a fit one for legislation, and that gentlemen might as well bring in a bill against hunting the hare.

After some further conversation, the amendment of Mr. C. Smith was agreed to. On the report being brought up, Mr. Ellice moved, "that it be received on that day six months."

Mr. *Ricardo* said, that when so many barbarities prevailed in fishing and hunting, and other species of amusement, it was idle to legislate without including all possible cases.

Mr. *Bernal* hoped no sentiment of ridicule would operate on the mover of this bill, to prevent his persevering

The *Attorney-General* objected to the bill as a new principle in the criminal law.

The House divided: For the Amendment, 31; Against it, 34. The report was ordered to be received on Tuesday.

HOUSE OF COMMONS.

Monday, June 4.

FORGERY PUNISHMENT MITIGATION BILL.] On the order of the day for the third reading of this bill,

Sir *J. Mackintosh* said, that from the objections which had been made to this measure, he felt it necessary to submit a few observations to the House. He should endeavour to state, as briefly as possible, the changes which this bill proposed to enact—the principles upon which those changes rested—with the nature and the grounds of the exceptions which he had been urged to introduce into the bill, and the grounds upon which he felt it his duty to oppose any further exceptions. It was of course competent to any gentleman to propose such exceptions as he thought proper in the present condition of the bill. He did not mean to overstate the case when he said, that the House, in agreeing to the second reading and the committal of this bill, had done what was tantamount to a resolution, that it was expedient to mitigate the punishment of forgery. But this was not the first occasion in which that House had borne testimony to the principle, that the mitigation of punishment was the best mode of preventing crime; for by the 52nd of the late king, no less than eight capital felonies were repealed with respect to the collection of the revenue, all those offences being made clergiable, and experience had since proved the success of the measure for the object which the legislature had in view. Again, we had the experience of the law with respect to bleaching grounds, which was so amply and ably stated by his hon. friend (Mr. Buxton) on a former evening, and which, by abating punishment, had served to prevent crime. But a farther recognition of this principle was afforded by the legislature, in the repeal of some capital felonies, connected with bankruptcy, within the last session. It was, indeed, a happy omen, that within the first year of the present reign of Geo. 4th, more capital felonies had been repealed than within the reign of any monarch since that of Edward 1st, and he had no doubt whatever that this fact would be much more honoured hereafter than many other things which had occupied a larger space of public observation. But he had a farther and a high authority in support of his principle which must operate with peculiar force. It had been observed, that the advocates for the mitigation of punishment were actuated by weak or womanish feeling. But he apprehended that no such feeling could be ascribed to a religious persecutor, who, indeed, least of all other tyrants, was likely to evince any tenderness for his victims. Upon that horrid breach of faith and humanity, the revocation of the edict of Nantz by Louis 14th, which condemned so many protestants to a dungeon; it was also ordained by the tyrant, that any one who should attempt to escape

from a prison or from France should be guilty of a capital crime. This tyranny was consummated, any Protestant who avowed his religion being consigned to a prison, while such as attempted to seek safety in flight, were consigned to the scaffold. But the latter edict was repealed the very year after it was issued, and the punishment of death commuted for that of a sentence to the galleys. No effeminacy of feeling could surely be imputed to Louis 14th, especially towards the Protestants. But the cause for the mitigation of the punishment was distinctly stated in the edict by which it was decreed. It was because the punishment of working in the galleys was deemed more efficient to prevent the flight of marines and artisans, and because prosecutors and witnesses could not be found to come forward while the more severe punishment remained. He could not, he thought, appeal to a higher authority than this in support of his principle. Had the government, indeed, been better, the authority would have been worse; for, where all the malignant ingenuity of despotism was notoriously exercised to prevent what it deemed an offence, experience served to show that the laws were most impotent where they were most severe.—The hon. and learned gentleman here proceeded to observe upon the exceptions to the principle of his bill, which he had been induced to bring forward. But before he entered into those exceptions, he expressed a hope that no one would attempt to maintain that exceptions to the principle of any legislative measure amounted to any thing like an abandonment of that principle; for no man could consistently argue, that a moral principle should be deemed as fixed and unchangeable as a geometrical proposition—for any moral principle must, in legislation, admit of modifications, according to the opinions, the passions, the prejudices, and the habits of mankind. Even in an arbitrary government its decrees must occasionally bend to the prejudices or impressions of great bodies of people; and it would ill become any men legislating for a free nation to disregard any prevalent notions. To such notions, then, he felt it his duty to concede. But no one could expect to carry any measure in a country like this, without some concession to the opinions of others. He regretted the necessity of making the exceptions to the principle of this bill, which he had been urged to propose; for, according to his own opinion, the better course would be the universal adoption of his principle. It was not for him, however, to discard the opinion of those who were willing to co-operate with him to a certain extent, particularly where such co-operation was essential to the attainment of any portion of success. Now as to the exceptions which he had proposed: the paper of the Bank of England was excepted from the operation of the law, not for the sake of the Bank of England, because they never paid their forged notes, but for the sake of the community, because their paper circulated through the hands of the poorest and most negligent persons, who had no opportunity of protecting themselves against the consequences of such forgery by caution and examination. There was no case of private forgery which bore any resemblance to this offence, with respect to the consequences which resulted from it. The paper of the Bank of England passed through the hands of the whole community without distinction, whereas private negociable securities passed, for the most part, through the hands of men of opulence, who were professionally trained to the exercise of the greatest vigilance and acuteness in their examination. This was a broad and striking distinction between the forgery of the circulating paper of the kingdom, and the forgery of private securities. The same arguments were applicable to country bank notes, inasmuch as the whole body of the country bank notes constituted a general circulating medium. He was aware that a petition had that day been presented on the part of the bankers of London and Westminster, praying the House to make no difference in the punishment for forgery on the Bank of England, and the forgery of private securities. He denied, however, that this petition was to be considered as a petition against the bill. There was nothing in its colour or character which opposed the present bill; on the contrary, its prayer would be satisfied if the punishment of death were abolished altogether. Nor did he rest here, for he had a positive assurance that the opinion of many gentlemen who had subscribed their names to this petition was favourable to the total abolition of the punishment of death. Another circumstance worthy of observation was the silence of these petitioners upon one important fact, namely,

that a great majority of the cases of private forgery went unpunished, in consequence of the severity of the existing laws. It had been said, that the persons who now carried on the infamous trade of forging Bank notes, were likely to turn themselves to the forgery of private securities, upon the small notes being withdrawn from circulation. But what had the manufacture of Bank paper to do with the forgery of private securities? How was an ignorant Birmingham ruffian to become acquainted with the handwriting of eminent bankers, and to acquire a knowledge of those peculiarities which would enable him to forge private securities? The forgery of such instruments was not founded upon a mere knowledge of the hand-writing of the drawer or acceptor, but upon a knowledge of all the circumstances connected with commercial transactions, which it was impossible for such obscure and miserable ruffians to acquire. Was it likely that if persons of this description attempted to pay away a bill, any man would receive it without making the most rigid scrutiny as to the means by which they came by it? Or, admitting that any man could be so careless of his own interests, was the House to be called upon to guard such negligence by the gallows? He was ready, for the reasons which he had stated, to put country bank notes upon the same footing as Bank of England notes; but there was no ground whatever for extending the exception to private securities. With regard to wills, he was ready to include them in the exception; for these instruments stood not upon principle, but upon circumstances peculiar to themselves. There were two peculiarities which distinguished these instruments; one, that in case of their forgery, the best and most conclusive witness could not be produced, from the very nature of the crime, and the other, that from the same cause no human caution could guard against it. He should except wills, for the reason which he had stated to the House, and he was ready to put the forgery of certificates of marriage registers upon the same footing. With respect to that part of the bill, however, which related to uttering forged notes, he would make no concession. The state of the law, with regard to the punishment for uttering, he could not but regard as one of the most unfortunate occurrences in the administration of justice. To remove the confusion and uncertainty which now prevailed, it was necessary to make the offence of uttering no longer subject to discretion, but to positive rule; to reduce crimes to classes, and to deal with those classes by positive enactments, instead of legislating at discretion. He admitted that some cases of uttering might be of an aggravated character, but there were many also of a most alleviated description, and the only criterion capable of being reduced to a rule, would be to make a second conviction only subject to the exception. It was necessary at once to do away with that anomaly in the administration of justice, by which the prerogative of mercy was transferred from the Crown to the Bank of England, and he was persuaded that that corporation would be glad to be relieved from the exercise of so painful, so invidious, and so unpopular a discretion. The present state of the law had surrounded the offence of forgery with a sort of compassion, which did not naturally belong to it, and which extended to the wholesale manufacturer, as well as to the poor man who was, almost, innocently drawn into the offence of uttering a forged note. For these reasons he was anxious to divest the higher crime of that aid, and to separate the two offences by a clear and accurately define[d] barrier. With regard to the punishmen[t] he was willing to substitute imprisonment and hard labour for transportation, in compliance with the suggestions of gentlemen, for whose opinions he entertained a great respect, though he was far from being convinced of the utter inefficacy of the punishment of transportation. There could be no difficulty, he apprehended, in rendering the punishment of imprisonment and hard labour, either on shore or in the hulks, sufficiently terrible. Public labour had been suggested as a desirable expedient, but that was a punishment to which, he thought, recourse ought not to be had, except in the case of irreclaimable criminals. At present there were fourteen utterers of forged notes annually executed; and supposing the crime to continue the same, that legislature must indeed be barren of expedients, and ignorant of the elements of the science of legislation, if they could not contrive to make the punishment of imprisonment and hard labour sufficiently terrible to fourteen persons annually convicted of the crime of uttering.

The *Attorney General* said, that so far

were the amendments from removing his objections to the bill, that they had confirmed them. So little reliance did his hon. and learned friend place on his own principles, that he had surrendered them, so far as forgeries on the Bank of England and on country banks were concerned. Why did the exception not extend to the bills of exchange of country banks as well as to their promissory notes? The principle which his learned friend wished to introduce into the administration of the criminal law could not be sustained. Instead of a bill like the present, his better way would be, to call on the House to sanction enactments, excepting certain cases of forgery from capital punishment. His learned friend contended that the capital punishment awarded in cases of forgery had not been effectual in preventing that crime. This he denied: and he was well convinced that had the punishment been less, the crime would have greatly increased. The case of his learned friend rested mainly on the forgery of one-pound notes; but, certainly it was a strange time to alter the law on this subject, when notes of that description were withdrawn from circulation. His learned friend had argued that the first and the only good end of punishment was, the reformation of the offender. To a certain extent this was a great object, but he submitted that there was one still greater, namely, the prevention of crime. His learned friend, in illustrating his argument, had referred particularly to the crime of stealing in bleaching-grounds, and to the capital offence of a bankrupt not surrendering his effects. But it was evident that he did not argue from experience, but on a principle which he had himself previously laid down. His learned friend had said on a former occasion, "If you repeal the capital punishment, in cases where a bankrupt conceals his effects, you will find that individuals will not be slow to prosecute for that offence." But the experience of the last year proved the contrary. He had no doubt that as many fraudulent bankruptcies had occurred in that, as in almost any preceding period; but no prosecution had taken place. Again, his learned friend had argued, that the certainty of punishment would produce a diminution of crime. Experience also proved this to be incorrect; for there had been recently more prosecutions at one sessions in the county of Lancaster for stealing in bleaching-grounds, than had ever before been known. It appeared, that the offence, instead of being checked, had increased under the new system. Neither of these instances went to support his learned friend's proposition. His learned friend would admit of no alteration in his bill with respect to the punishment to be inflicted for the crime of uttering; but at the same time he admitted that in some instances the utterer was as culpable as the forger—where, for instance, an individual came from Birmingham, loaded with fraudulent paper. Now he (the attorney-general) could not recognize these excepted cases. He was legislating for a class, leaving it to others, before whom the different cases might come, to distinguish between the various shades of guilt. The principle of British legislation had always been to impose on great crimes the highest punishment, and not to provide for variations in the offence. Of course, cases might occur which called for a mitigation of the law's severity; but those who were most competent to judge, were left to decide on those cases. He would, for instance, refer to the crime of burglary. This was an offence which on the first blush every man would admit ought to be punished with death. But there was in the offence as many degrees as could well be conceived. How vast was the difference between the case of a man forcibly entering a house at night and taking away property, and that of a boy thrusting his hand through a window and stealing a watch! The law declared each to be a burglarious breaking, and each was punishable capitally, subject to the peculiar circumstances which appeared on the trial. How, he asked, were these variations of crime to be met? It was impossible that they could have a minute scale of punishment, to meet every shade of offence; and, therefore, it was better to leave the power of discrimination in the hands of the executive government. He would ask whether this system in practice had not worked well, and did not at present work well? In his opinion, the law as it at present stood was much more efficacious than it would be if the proposed alteration were made. And he thought so for this reason:—at present those who were convicted were sure of being transported or imprisoned; superadded to which was the dread that death, the heaviest of all punishments, might be inflicted

on them. He did not understand the workings of the human mind, if the man who was certain of imprisonment in case he was found guilty, superadded to which certainty there was the chance of death, would not be less likely to commit an offence than he who was assured that he could only be imprisoned. Now, with respect to the punishment to be awarded to the utterers of forged notes, it must be observed, that those who were the actual forgers of those notes were very rarely detected. He recollected but few instances, one of which occurred recently at Warwick, where such a discovery took place. What, then, was to be done? Where the principal could not be discovered, surely it was wise to affix a capital punishment on him who was next in guilt. His learned friend wished to punish in a particular way the first offence. But it should not be forgotten, that there might be three or four charges of the same nature against the same individual, who though he seemed to be a novice in crime, might perhaps be an experienced offender. There were many anomalies in the bill, which, he conceived, his learned friend could not reconcile. Why, for instance, did he except transfers of stock, and not dividend warrants, from the operation of his bill? If all the exceptions which he had introduced were admitted, the principle of the bill was at an end. His learned friend had observed, that on an average of the last seven years only 14 persons had been annually executed for forgery, and he inferred that the country would only have to provide for that number if the punishment were hard labour and imprisonment. But it was not merely the number of those who were executed, but of those who were convicted, that must be taken into consideration, and in that case it would be found that 170 or 180 persons must be provided for. What would be the consequence? They would be obliged to build a prison, which would be denominated a bastile, and which would be execrated in every part of England, for the security of those individuals. It was clear that this must be done, for the prisons throughout the country, in their present state, would not admit of such an accession of numbers. Moreover, this measure went to introduce a punishment unknown to the law of this country—imprisonment and hard labour for ten years. For this and other reasons he should move as an amendment, "That this bill be read a third time this day six months."

Mr. *Denman* said, if he was not convinced of the injurious tendency of the measure now under consideration by the acute and ingenious speech of his learned friend the attorney-general, it did not proceed from his not having paid due attention to all the arguments which he had urged in opposition to it. He had carefully canvassed every part of the measure; and he could declare, with the most clear conscience, that in his mind, every objection which had been raised against the bill had been completely removed in the course of the different discussions to which it had given rise. Unless he had been satisfied of the safety, expediency, and he would almost say necessity of the measure, no feeling of friendship nor sentiment of partiality should have induced him to support it. The attorney-general had said, "Here is an admission made—here is a concession granted; even the advocates of the bill are compelled to abandon the ground on which it originally rested." Now he would state that he did not abandon any portion of the measure, except from absolute necessity. He took all he could obtain, and he took it thankfully; but he regretted that he could not procure the whole of what he desired. He acted from a principle of expediency, because he should be sorry if, in consequence of opposition, the success of the measure, as it at present stood, were put in peril. Wherefore he gave up points from which otherwise he would not recede. The attorney-general had asserted that it was a constant principle of the English law to decree the highest possible punishment to any class of crime, the most flagrant instances of which could alone justify the infliction of that punishment. He protested against this doctrine. He could find no such principle in the common law of England—although it might be perceived in the conflicting and contradictory enactments of the legislature, founded on temporary circumstances. It had been argued, that severity of punishment prevented crime, because it struck a salutary terror into the minds of bad men. He, however, thought otherwise: it appeared to him that excessive punishment struck terror into the minds, not of offenders, but of those who were injured, and whom it prevented from prosecuting. Those who saw the necessity of an alteration in the law did not act

upon visionary, wild, or fantastic notions, but proceeded on the opinions of men perfectly conversant with all the bearings of the subject. When he said this, he would refer to the report of the committee, and to the evidence on which it was founded. If, after reading that evidence, any sort of doubt was entertained as to the expediency of altering the law, it showed that sort of blindness to practical truths, which could only be accounted for by an admiration felt by some persons of every thing which had long existed. The bankers of London came forward and stated that they did not like to prosecute while the culprit was liable to be visited with the punishment of death. When men of such respectability stated this, the question in his mind was decided. To permit the law to remain in its present state, was, under such circumstances, an encouragement to forgery. With respect to the punishment to be attached to the forgery of country bank notes, he thought it would be wrong if it were not the same as that which was annexed to the forgery of those of the Bank of England; because, otherwise, a sort of premium would be held out for the forgery of country notes. But with regard to the forgery of promissory notes, bills of exchange, &c., the question there referred to a matter of hand-writing. It had nothing to do with the introduction of that manufacture, which appeared to have been carried on at Birmingham. It was confined to the individual; and the offence might be in a great measure prevented by a little additional attention. With respect to the punishment, he approved of the certainty of imprisonment and hard labour; but he could not agree with the hon. member for Shrewsbury, that transportation was no punishment. He thought that they had authorities on this subject which they ought to bow to. For his own part, if he had only the authority of his hon. friend near him (Mr. Buxton), whose great exertions of talent, whose industry and humanity, were so conspicuously shown on this occasion, he should be satisfied. They had, besides, the testimony of practical men, whose evidence had not been contradicted; and these considerations united, were with him conclusive. More of wisdom, more of benevolence, more of practical demonstration, he had never witnessed in the course of his parliamentary career, than in the energetic speech of his hon. friend near him. Never, he was sure, did the spirit of Christianity display itself in a public assembly with an effect more beautiful. It was not called into life with the intention of puffing off its own Pharisaical purity; but it was placed before them in the true spirit of the Scripture, to lead men "to do justice, to love mercy, and walk humbly," with the common father of mankind. It was to him a matter of great satisfaction to have the opportunity of paying this honest and well-deserved tribute to the splendid address of his hon. friend, the member for Weymouth.

Mr. *Dent* observed, that the bill was considered an experiment. Now the term experiment implied a doubt of success, and in this case a failure would be productive of much greater evils than those which the measure was intended to remedy.

Mr. *Wilmot* said, he would have opposed the bill if the anomalous distinction between forgery on the Bank of England and forgery on country banks and private individuals had not been removed. Adverting to the punishment of transportation, he observed that every body allowed that it was practically inoperative. It was an additional reason with him, therefore, in voting for this bill, that it would compel the legislature to look out for some secondary punishment more effectual. He thought nothing so likely to deter from crime as the punishment of hard labour for a term of years, combined with as plain and moderate food as was consistent with the support of life.

Mr. *Marryat* thought the exceptions in the bill were subversive of all fairness and justice; seeing that, they put the negotiable securities of the Bank of England on a different footing from those of any private or country banker.

Mr. *John Smith* believed that the severity of punishment had been one great cause of the increase of crime; because it restrained people from prosecuting. It would be very difficult, however, to show why the Bank of England should be protected in preference to other bankers. He thought, on the contrary, that the Bank had almost less pretence to such an exclusive advantage than any other set of individuals. The notes of the country banks were better executed and less easily imitated than those of the Bank of England.

Mr. *Pearse* thought it would be a great advantage if the seller of forged notes could be punished by the operation of this bill. He was not for severely punish-

ing the utterer or buyer of the notes, because he was generally poor and miserable, and the dupe of the seller. With respect to the forgery of one-pound Bank of England notes, that was a crime likely to cease with the issue of those notes. But whether crimes of a different nature would not rise up in its stead (he meant the counterfeiting of the coinage, increased robberies, &c.) he could not venture to predict.

Mr. *Mills* thought that this bill was brought forward at a most inauspicious time. The persons who had been long accustomed to forge would not be idle; but would go on, and profit of the interval that must elapse before any of these provisions could be finally enacted by parliament.

Mr. *Lockhart* opposed the exceptions in favour of the Bank, and dwelt on the increased risks to which they would subject the country bankers and others.

Mr. *Baring* believed that the crime of forgery was carried on to a greater extent in this country than in all the rest of civilized Europe. There must be therefore something wrong in the present law. It had been contended that the punishment of death was not safely to be dispensed with. In Holland, however,—a country where the people were very conversant with all matters that regarded the security of their private interests, and the interest of the state—the crime of forgery was not punished with death; in Hamburgh it was not so punishable; in the French commercial code death was not the punishment attached to it. In assimilating the law of this kingdom to the law of the greater portion of the civilized world, the House consequently need not apprehend that inundation of forgeries which had been denounced as the immediate effect of such a measure. The punishment at present decreed by our law was either transportation or death. Transportation in many cases, however, so far from being an effective punishment, was an event much desired, and as to the punishment of death, it had been proved by experience that the dread of it would never effectually operate to deter from the commission of the crime. Desperate men who were reduced to such an extremity, were very willing to put their lives to hazard. Yet these very men might look at the punishment of six or ten years' hard labour, as one which they must sink under. As to the bill, he could not see any good reasons for the exceptions, but he should still vote for it. It might not go so far as might perhaps be desirable, but it was calculated to do a great deal of good.

Mr. *Hart Davis* would oppose the bill, unless a distinction were made between bills of exchange and bankers checks. The latter were more easily forged, and therefore to that offence the capital punishment should still attach.

Mr. *T. Wilson* stated the object of the merchants and bankers in presenting a petition. The petitioners conceived that mercantile property was entitled to the same protection as the bank of England.

Mr. *Harbord* said, he would vote for the third reading, protesting, however, against the exceptions which had been introduced.

Mr. *R. Martin* contended that all forgers, if asked in a body, whether they would rather have the punishment of death with all its chances of escape, than the certainty of hard labour for ten years to be the law, would answer in the affirmative. He had lately been in a coffee-house where a person had been pointed out to him as one who had prosecuted a friend for forgery. The friend had been hanged, and this person was regarded by every one with execration. He knew many who had prosecuted for forgery, and who would lament it to the day of their death. In Ireland the forging of a will was not a capital felony, and it did not occur more frequently there than in England.

The House divided: Ayes, 117; Noes 111. The bill was then read a third time.

List of the Majority.

Abercromby, hon. J.
Allen, J. H.
Bent, John
Burrell, sir C.
Benett, John
Belgrave, visct.
Bentinck, lord W.
Blair, J. H.
Burrell, Walter
Barham, J. F.
Barham, J. F. jun.
Baring, H.
Barnard, visct.
Becher, W. W.
Benyon, Benj.
Bernal, Ralph
Byng, Geo.
Baring, Alex.
Chaloner, Robt.
Calcraft, John
Calvert, C.
Carter, J.
Clifton, visct
Coffin, sir I.
Concannon, L.
Crespigny, sir W. D.
Crompton, Sam.
Calvert, N.
Cholmeley, sir M.
Cherry, G. H.
Crawley, Sam.
Child, W. L.
Cripps, Jos.
Courtenay, W.
Davies, T. H.
Denman, T.
Denison, W. J.
Dundas, hon. T.
Duncannon, visct
Deerhurst, visct
Ebrington, visct
Evans, W.
Ellison, C.
Fitzroy, lord J.

Folkestone, lord	Palmer, C. F.
Fleming, J.	Parnell, sir H.
Forbes, C.	Price, R.
Gordon, R.	Ricardo, David
Grattan, John	Rice, J. S.
Graham, Sandford	Robarts, G.
Grant, J. P.	Robinson, sir G.
Grenfell, P.	Rowley, sir W.
Griffiths, J. W.	Rumbold, C.
Gaskell, B.	Russell, lord J.
Gladstone, John	Russell, lord W.
Haldimand, W.	Smith, J.
Hamilton, lord A.	Smith, Wm.
Harbord, hon. E.	Smith, R.
Heron, sir R.	Scarlett, J.
Hobhouse, J. C.	Stopford, lord
Hume, Jos.	Sebright, sir J.
Hurst, R.	Taylor, M. A.
Hutchinson, hon. C.	Tierney, rt. hon. G.
Hare, R.	Tennyson, C.
Hamilton, sir H. D.	Warre, J. A.
Knox, hon. T.	Western, C. C.
Lennard, T. B.	Whitbread, W. H.
Lushington, S.	Whitbread, S. C.
Littleton, Ed.	Williams, W.
Legh, J. H.	Wilson, sir R.
Maberly, W. L.	Wyvill, M.
Macdonald, Jas.	Wynn, C. W.
Mackintosh, sir J.	Ward, hon. J. W.
Maxwell, J.	Wellesley, Rd.
Milbank, M.	Westhenra, hon. H.
Milton, visct.	Wortley, J. S.
Monck, J. B.	Whitmore, W. W.
Marjoribanks, S.	Wilmot, R.
Martin, John	
Newport, rt. hon. sir J.	TELLERS.
Nugent, lord	Buxton, T. F.
Ord, W.	Bennet, hon. H. G.
Ossulston, lord	

Mr. *Cripps* then moved to except out of the bill "any promissory note, bill of exchange, or order for the payment of money drawn by, or upon, or made payable by any banker or bankers."

Mr. *Baring* said the clause proposed would include every bill in commercial transactions. If the House admitted this clause, the bill might as well be thrown out altogether.

Dr. *Lushington* said, he was desired to mention to the House that a banking-house of the greatest eminence had lost 10,000*l.* by forgeries, and preferred to sustain the loss rather than prosecute. The words of the letter he had received on this subject were:—"If the punishment of death is continued, we are put out of the pale of the law; we will not prosecute, and we cannot protect our property."

The House divided: For the Amendment 109. Against it 102. On the question, "that the bill do pas," the marquis of Londonderry signified his intention of taking the sense of the House upon it.

Mr. *Brougham* said, he heartily agreed in the principle of the bill, and when it should receive the sanction of the House, he hoped it would be received elsewhere with that attention which was due to a measure which had undergone so much consideration. He regretted that the noble lord had made that stage of the bill the cause of division and debate.

Sir *J. Mackintosh* strongly objected to this manœuvre of the noble lord, observing that many of the friends of the bill had quitted the House, in the persuasion that no further opposition was intended. Since he had sat in parliament he said he had never known so unworthy a manœuvre practised. Sir James ended by moving "that the House do now adjourn," and after a warm discussion, in which Mr. Brougham, lord John Russell, and lord Londonderry took part, the two former representing the proceeding as a parliamentary stratagem; a division took place on the question. "That the Bill do pass." Ayes 115. Noes 121. The Bill was consequently lost.

HOUSE OF COMMONS.

Wednesday, June 6.

Constitutional Association—Mr. Dolby's Petition.] Dr. *Lushington* rose to present a petition from Thomas Dolby, bookseller, in the Strand. The petitioner began by complaining, that after being established in busines for 13 years, and never having been subjected to any prosecution, he had been lately twice exposed to it, by a self-denominated "Constitutional Association." That after having escaped the vigilance of the attorney-general and the secretary of state for the home department, whom he considered to be the only persons appointed by law and the constitution to take cognizance of the offence of libel, he had fallen into the clutches of an association which had constituted itself an auxiliary to those [illegible] officers of the Crown. He said that the alleged libel, for which an indictment had been preferred against him, was contained in an obscure periodical publication, which he had discontinued before the prosecution was commenced. He stated, that after a true bill had been found against him upon such indictment, he was held to bail for his appearance thereto, and for his good behaviour in the

meantime. And here he (Dr. L.) could not help remarking that this self-styled constitutional association placed their chief reliance upon four statutes which had been recently passed, and which he must ever consider as tending to destroy the rights of the people, at the same time that they added largely to the power and influence of the Crown. Those acts, he was sorry to say, this constitutional association had placed in front of their battle, and by these acts they professed that it was their intention to suppress disloyalty, sedition, and blasphemy. Under one of these statutes the petitioner, he must repeat, had been held to bail for his appearance and subsequent good behaviour. He had then had several interviews with the attorney of the society, one Charles Murray; at the last of which, that person proposed to him the terms on which the society would drop the prosecution against him. He (Dr. L.) could wish the House to attend to the terms on which these constitutional gentlemen were willing to give up the prosecutions which they had instituted; because the preferment of an indictment, even if it failed, was calculated to do serious injury to a tradesman, and, independently of the anxiety which it created in his family, went to involve him in a ruinous expense, which he was obliged to pay when acquitted, just as much as if he had been found guilty. All these were great and crying evils, and formed the strongest grounds why the power of prosecuting for libel should only be intrusted to government, which was responsible for the conduct of its servants. What then did the House suppose the terms to be, on which the prosecution against the petitioner was to be discontinued? They were as follow:—That the petitioner should submit to plead guilty; that he should pay all the expenses; that he should deliver up his stock; that he should give certain information as to the author of the alleged libel; and that he should enter into an engagement not to sell any books which the Association might deem offensive for two years. What did the House think of the legality of a society which attempted to extort compliance with conditions like these? Whether they were prosecutors within the pale of the law, he would not at that moment stay to inquire; but this he would say—that from the moment they attempted to wrest from their victims such terms as those which he had stated to the House—from that moment he would say that the association was guilty of conspiracy, and that the associators themselves were illegal conspirators. The petitioner stated that he was desirous to get rid of the expense and hazard of defending himself against so powerful a body—powerful it was indeed—and sorry was he to observe among the number of its supporters several individuals who held high situations in the state, some of them being prelates and other personages who, as they were judges in the last resort, ought to have abstained from the institution of proceedings upon which they might yet be called on to pronounce judgment. The petitioner, he had been about to state, being anxious to get rid of the expense of this prosecution, had been willing to accede to some of the terms of this Charles Murray, and had entered into a negotiation for that purpose with the said gentleman. That negotiation had proceeded to some length, when at last it was suddenly, and without the assignment of reason, broken off by the Association. Its vengeance was not satisfied by the petitioner's offering to accede to some of the terms which it had proposed. They wanted further concession, and in consequence instituted a second prosecution against him. No sooner was that prosecution instituted, than they arrested the petitioner again, and carried him, within an hour from the time of his arrest, to plead to it in the court of King's-bench. He was then held to bail before one of the judges of that court; he offered the same persons for his securities as had appeared upon the former indictment. The solicitor for the association objected to them on this ground, and insisted that the recognizances into which they then entered had been forfeited by the finding of the second indictment. Now, upon that part of the conduct of the Association, he could not help remarking that he knew of no better way of getting and keeping men in gaol than by commencing prosecution after prosecution against them. It would be no easy matter for a tradesman, however respectable he might be, to find persons willing to enter into heavy recognizances, time after time, for his good behaviour; nor indeed would it be an easy matter to find persons willing to become bail at all to prosecutions commenced by so strong and powerful an association. The petitioner then proceeded to state, that in consequence of Murray's giving notice to

his bail, that he should take proceedings in the court of exchequer to estreat their recognizances, they required him to sell his property, and provide for their security. The petitioner accordingly made preparations for doing so, but afterwards desisted, having discovered that the threat which Murray had held out was illegal. In the meanwhile a rule for a special jury had been obtained by the prosecutors. Now that circumstance was not unworthy the consideration of the House. The prosecutions set on foot by this association could not be safely intrusted to the usual judges in such cases, a common jury of the country—no; so great and mighty was this association, that nothing but a special jury could serve their turn. The petitioner, such being the case, called on the solicitor of this association to deliver to him the names and addresses of all members of the society liable to serve on juries in the county of Middlesex, when it appeared that such list could not be furnished in a state to be of much use to the petitioner. He therefore obtained a rule calling upon that solicitor to give a full and proper list of their names. That rule was argued in the court of King's-bench; after which the Court gave the petitioner the right—and perhaps it was all the remedy which could, under the circumstances, be rendered to him—of asking on the trial each juryman whether he belonged to this association. He could not help thinking that it was a most extraordinary circumstance that the Court should be compelled to resort to such an expedient as they had devised—an expedient that was unnecessary and unprecedented until a constitutional association had risen up and rendered such an innovation necessary. [Cheers]. As to the legality of the Association, it had been defended by reference to the existence of the Society for the Suppression of Vice. He had always thought that the inutility and absurdity of that society were alike; it had been worse than useless, for it had even injured public morals, by drawing subjects into notice that otherwise would have remained in obscurity. He should never forget the mock modesty with which it had sent a notice to an hon. baronet, complaining of the indecorum of some of the ornaments of his residence. The petitioner went on to state, that if some means of repression were not adopted by the House, he might still further suffer from the persecution of this body, and he prayed, therefore, that the House would afford him such relief as was within its power. As he (Dr. L.) was firmly of opinion that there was a design in this association to curtail the liberty of the press, under the specious pretext of repressing disloyalty; as he saw plainly that the object of the leaders of the combination was to ingratiate themselves with ministers, and not to promote the benefit of the country; that their proceedings were the result partly of folly, and partly of meanness; and as he was satisfied that mischief must be the consequence of taking prosecutions out of the hands of constituted authorities, he gave his cordial support to the prayer of the petition.

Sir *M. Cholmeley* said that he should be deficient in duty, as well as in manliness, if, as his name was among the subscribers to the Constitutional Association, he did not stand forward to state the reasons that induced him to belong to it. When he first came to town to attend his duty in parliament, he had been greatly shocked in passing through the streets to see offensive placards on the walls, and gross caricatures in the shops. He observed that sedition and blasphemy were increasing daily, and he was of course anxious to put a stop to their progress. He remembered that when he was a young man, if a person wanted to see a bad caricature, he could not do so without going into the shop; but now they were thrust upon the notice of the passengers; and no man could go through the streets without having his eyes insulted by the most offensive placards and comparisons of an odious kind between the highest personage and the greatest of tyrants. He had even seen a representation of a bull with a woman on its back, which woman was meant for a royal personage. When it was at first proposed to him to belong to this association, he had particularly asked whether it had any political view, and he was answered that it was not intended to prosecute libels upon any political party, but generally to put down disloyalty. Being assured that such only was its object, he had promised to attend the meetings; but on account of his frequent presence in parliament, and the late hours to which the House had sat, he was unable to do so, and could not therefore hold himself responsible for what had been done in his absence.

Mr. *Denman* gave the hon. baronet full credit for all his assertions. He was

quite sure that he would never have become a member of the Association, if he had seen the paper published under the name of a "Sharp," and had heard of the active conduct imputed to various members of it. He could not help saying, that if it were proper to put down libels of this description (which he did not mean to dispute, though it might be done by the authorities at present existing) it still must appear a little extraordinary that there should be such extreme soreness as to libels on one side of the question, and such supineness as to the infamous slanders circulated on the other. He should not have risen, had not the hon. baronet appeared to refer to some expressions used by him (Mr. D.) in another place. In no instance, and under no circumstances, would he forego the right of an English advocate to make any observation which the interests of his client seemed to demand, however exalted might be the personage to whom that observation might apply.

Sir *M. Cholmeley* said, he had made no allusion whatever to the learned member.

Mr. *Denman* certainly thought the hon. baronet referred to some caricature connected with an observation he (Mr. D.) had made in another place, in which he had introduced the name of Nero.

The petition was ordered to lie on the table, and to be printed.

ADMINISTRATION OF JUSTICE IN TOBAGO.] Lord *Nugent* rose to move for a committee to inquire into certain abuses in the Administration of Justice in the island of Tobago. He said, that towards the end of the last session, Mr. Capper, who had been attorney-general of the island, had stated certain facts that appeared to him to amount to flagrant denials of justice, and indeed to great personal cruelty. Mr. Capper having been appointed early in 1819, went out to Tobago; but soon found that he must either make himself a party to the unjust practices prevailing, must subject himself to a life of disquiet and mortification, or must relinquish his appointment. He preferred the latter, and returning at great personal inconvenience, he laid the whole case before the Colonial department. Lord Bathurst communicated with the authorities of the island on the subject; he received a report denying the charges, and imputing unworthy motives to Mr. Capper; and upon that report his lordship had acted. He (lord N.) had received information on many cases, but he should rely principally upon two; not depending merely upon the statement of Mr. Capper, but upon the affidavits of several witnesses of unimpeachable characters, and filling respectable situations. In the May after the arrival of Mr. Capper, he happened to see, through the bars of the prison at Scarborough, a miserable creature of the name of Edward Hoskin, an Englishman, who had then been imprisoned twelve weeks on a charge of assault. He was dreadfully emaciated, and seemed almost forgotten by his gaoler. The deputy provost marshal, Mr. R. Mitchell, was the responsible authority in the gaol; but he was only the deputy of his father, and had under him a Spaniard of the name of Savadra. Mr. Capper asked for the warrant of commitment of Hoskin; but none could be produced by Mr. Mitchell. A month afterwards Mr. Capper heard that the wretched prisoner was in a dying state, and he found him in a lower dungeon than that he had previously occupied, shut from the common air in an almost insupportable climate, and with his left leg in the stocks, where it had been for no less than a fortnight. His haggard body was excoriated by sitting, without the power of changing his posture, in the filth and ordure that had accumulated during his miserable confinement. Mr. Capper went to sir F. Robinson, the president, and described the situation of the unfortunate man; and sir Frederick accompanied him to see him the next morning. On seeing his situation, with feelings such as became a man of humanity, he expressed his regret at what he saw. But it was said at the time that the man was insane. If he even were so, great God! was that the treatment for a case of insanity? he was never visited by a medical person, nor was there one of that description in the gaol. Although insanity was the ostensible plea for the man's treatment, yet they subsequently confessed the true reason of his detention, to be an expression that escaped him in his sufferings, which was, that if ever he got back to England, he should apply for redress to the courts of justice or to parliament. The next step taken by Mr. Capper was to apply to the court of chancery of the island for a writ *de lunatico inquirendo*. The application was opposed by Mr. Collier, the deputy provost marshal; but Mr. Capper declared

that if the writ were not issued, and in the event of the man's death from the rigours he was enduring, he should proceed by a capital indictment. The man was remanded to prison, and in about three weeks after he was shipped off to England. The second case was that of three seamen, who charged the master of a brig then lying in the bay with having violently assaulted them, and stabbed them with a cutlass while serving on board. They made their complaint to a magistrate, who issued his warrant, and the captain as well as the sailors appeared on the appointed day. And here he had the painful task of introducing a name which was long associated with the most affectionate recollections of many who heard him—he meant Mr. Elphinstone Pigott. Mr. E. Pigott was not only chief justice of the island, but he was also Speaker of the House of Assembly, one of the bench of committing magistrates, and the manager of three estates. Such a combination of employments was well calculated to give an improper bias to his mind, in the administration of some of the duties which devolved upon him. Before that gentleman the master of the brig was brought up; and without hearing the seamen, the former was liberated upon his own statement, and allowed to sail from the island, leaving behind the three seamen, houseless and pennyless. They slept for fifteen nights on the bare beach, and were at length only rescued from their miserable situation by Mr. Capper, who procured for them a passage home. Before they sailed, however, an attempt was made to induce them to sign a paper confessing themselves to have been guilty of mutiny, in order to prevent them from obtaining redress. This, however, they refused, and upon their return to this country, they not only obtained their arrear of wages, but a further compensation for the assault, by the adjudication of a bench of English magistrates. It might be asked what interest the magistrates of Tobago could have in refusing to administer justice? The question was easily answered; for Mr. Robley, one of the magistrates, and a man of great weight in the island, was consignee of the goods with which the brig was laden, and he knew that if the vessel were detained, and the master committed for trial, his rums and sugars would lose the market. Mr. Robley's own words were, that he did not care a damn whether the master were hanged or not when he returned to England, so that his rums and sugars were sold." He trusted he had laid a sufficient ground for the appointment of a committee. His motion was not for condemnation, but for inquiry. He would just allude to one other case. A man of the name of Duff was charged on suspicion of having broken open the house of Mr. Collier, the deputy provost marshal. Mr. Collier stood in rather a singular relation to this man, for he was at once his prosecutor, a magistrate and his gaoler; and availing himself of this mixed relation, he had him put into irons, and kept him handcuffed for four months. The man was never brought to trial, but was sent as a convict to a rock off St. Lucie, called Pigeon Island. With regard to the defence set up by the magistrates of Tobago, that was contained in the report which had been transmitted to this country; and if ministers resisted inquiry on the ground of that report, it would not be difficult to meet their case. If they resisted it on some new grounds, it would not be too much to ask the House to enter into the inquiry. He found nothing in the report, from the beginning to the end of it, but a strong denial of some of the facts, and a violent recrimination of Mr. Capper. None of the material facts were, however, impugned. The noble lord then proceeded to make some observations upon the abuses which existed in the administration of justice in Tobago, and the oppression and cruelty which were resorted to in the treatment of the slaves. Every one who opposed the present corrupt system, or who wished to ameliorate the condition of the slaves, was denounced as a person connected with the African institution, or he was termed a Wilberforcean. Little did those persons who employed such a term as a stigma, imagine with what wisdom and goodness, with what warm benevolence and love of human nature the name of Wilberforce was here associated. The rejection of the evidence of a slave against a colonist was one instance of gross injustice, which, upon every ground of equity and policy, ought no longer to disgrace the administration of justice. In this opinion sir W. Young, late governor of Tobago, entirely concurred, though he was opposed to the abolition of the slave-trade. The noble lord made a few more observations relative to the degraded state of the slave population, and emphatically remarked, that this wretched class of persons only knew civili-

zation by that perversion of its character which pampered luxury, defended fraud, and trampled on the rights of humanity. He severely animadverted on the odious practice of profaning the sabbath by the sale and punishment of slaves; a day which ought to be devoted to rites of religion and the exercise of mercy, was there set apart for the flogging and torturing of our unhappy and destitute fellow-creatures. He concluded by moving, "That a Select Committee be appointed to inquire into certain abuses in the Administration of Justice in the Island of Tobago."

Mr. *W. Smith* rose to second the motion. With respect to the conduct of Mr. Pigott, he should merely observe, that men of good intentions were often warped in their conduct by the influence of the prejudices and habits of the associations into which they were thrown. What, he would ask, must be the state of society in a place where such oppression was suffered to exist? What remedy could be devised in order to produce a better state of things? The fair remedy would be to make a trial, whether justice could not be administered in the island by those over whom prejudice could have very little influence, and circumstances none whatsoever. Why could not justice be administered by persons who should make a circuit of the island, like the judges of England? Why were the interests of justice supposed to be safer in the hands of our judges than in those of the local magistracy? Because the former could not be influenced by local feelings, and in all probability formed but few local acquaintances. In the West Indies, more particularly in the small islands, the case was directly the reverse. They had heard much of the respectability of the House of Assembly at Tobago; but he believed that, with the exception of the chief-justice and one other individual, the 22 or 23 members of whom it was composed were agents and attorneys. If this were so, then these 22 or 23 persons formed a society amongst themselves; and a man, whether he were rich or poor, stood a very bad chance of succeeding when he set up the justice of his case against the prejudices of those individuals. It was morally impossible to establish an efficient local jurisdiction in the small islands, if the existing system were continued.

Mr. *Goulburn* said, he would not follow the noble lord into the details of his statement. In his general observations with respect to the system of internal government in the island, he partly concurred, and partly differed. It was a difficulty which he always felt in questions of the present nature, that the West-India islands had independent legislatures, exercising within the several colonies all the privileges and power which the legislature exercised here, but with diminished information and diminished moral authority. In nine out of ten cases of this kind brought before the House, it was necessary to bear this system in mind, and until the British parliament decided against that system, they must judge the conduct of the parties, not as if their acts had been committed in this country, but as happening in another, where there was so different and inferior a mode of government. With respect to the particular question for a select committee to inquire into the administration of justice, it was with regret, that he ever felt himself called upon to resist a motion of this kind; but he was under the necessity of opposing the present motion, because he was convinced that such an investigation would have the result, not of a committee of inquiry, but of condemnation. In the present period of the session, when the evidence on one side was in England, and that on the other in the West Indies, it was impossible to come to an impartial decision. He hoped the noble lord would see the impracticability of instituting any effectual inquiry during the present session.

Mr. *Barham* regretted that his noble friend had not confined himself to the precise object of his motion, instead of deviating into general assertions and statements. It was his intention to submit an amendment, in order to make the motion commensurate with the charges. After defending the planters from the loose and unwarranted accusations which were continually made against them, he moved, by way of amendment, "That this House will, early in the next session, appoint a Select Committee to inquire into the Administration of Justice in the West-India Colonies."

Sir *J. Mackintosh* was desirous that the present proceeding should be remedial not criminatory. The questions for the House to determine were, first, was there a case for any inquiry at all; secondly, if that question were answered in the affirmative, what ought to be the time and place of

that inquiry? He maintained that the administration of justice in the colonies ought to be subject to parliamentary vigilance and inspection; and thought that the cases adverted to by his noble friend afforded a sufficient proof that the system on which justice was administered in Tobago demanded inquiry. He recommended his hon. friend to withdraw his amendment, for the purpose of allowing the introduction of some other, which, although it should assume the shape of a resolution, that the House would take the subject up in the next session, should also limit the consideration to the island of Tobago.

Mr. *Marryat* denied that the administration of justice could not be impartial in the small West-India islands. He had lived in one of them ten years, and had twice had occasion to go into a court of justice. One of his accusations was brought against the president of the island, another against one of the judges. In both cases he had obtained verdicts, which could not have been given had the system been such as had been described. The proposition for a sort of ambulatory or sailing commission to administer justice in all the West-India islands, he thought very objectionable. He should not object to a commission being sent out to inquire into the administration of justice in Tobago, but the appointment of a select committee would certainly meet with his opposition.

Mr. *Wilberforce* thought, from the facts which had been stated, the presumption was, that acts of gross impropriety had occurred, and was therefore of opinion that inquiry ought to take place. This was due even to the individuals who were implicated. The inquiry would, he thought, be better prosecuted in this country, and he therefore hoped the suggestion of his hon. and learned friend would be agreed to.

Lord *Nugent* consented to withdraw his motion, and moved, instead thereof, "That this House will, early in the next session, appoint a Select Committee to inquire into the Administration of Justice in the Island of Tobago."

The House divided: Ayes, 66; Noes, 105.

GRANT TO THE DUKE OF CLARENCE.] The Marquis of *Londonderry* said, he had a communication to make to the House from his royal highness the duke of Clarence, which had obtained the sanction of his majesty. Before he made it, however, he would move, "That the Entry in the Journal of the 16th April 1818, be read."

It was accordingly read by the clerk as follows:—"Resolved, that his majesty be enabled to grant an additional yearly sum of money, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, not exceeding the sum of 6,000*l.* to make a suitable provision for his Royal Highness the Duke of Clarence upon his marriage."

The Marquis of *Londonderry* said, it would be in the recollection of the House that the duke of Clarence had (being at that time about to go abroad) declined accepting the grant of 6,000*l.* a year proposed by parliament. The feelings which had actuated his royal highness on that occasion were highly honourable to him. Since that time, however, the situation of his royal highness had changed, and in consequence he was now desirous of taking advantage of the favourable intentions of the House, for the argumentation of his royal highness's income to the same amount as that of his royal brothers. He would now move that the resolution of the 16th April 1818 be referred to a committee of the whole House on Friday.

Mr. *Hume* begged to ask whether, this being a new parliament, a specific message from the Crown ought not to have been sent down upon the subject? He thought it ought also to be ascertained, whether his late majesty had not left property behind him, out of which the duke of Clarence migh be provided for, without saddling the consolidated fund with a charge, which it was unable to bear?

The Marquis of *Londonderry* said, that the subject would be better discussed when the question came before the committee. The grant proposed some years ago to the princess of Wales of 50,000*l.* and eventually of 35,000*l.* had been gone into without a message from the throne.

The motion was agreed to.

AMERICAN LOYALISTS.] Mr. *W. Courtenay* rose to bring forward his motion on this subject. The hon. member entered into a variety of arguments to show that the loyalists, who had been ruined in their property in consequence of their allegiance to their sovereign, were entitled to particular consideration. There was, he contended, a broad distinction between those who had lost their property in consequence of their loyalty, and those

merchants whose losses had arisen from the ordinary circumstances of war. He then moved, "That this House will resolve itself into a Committee, to consider of an Address to his Majesty, praying for Compensation to the American Loyalists now remaining uncompensated."

Sir *Scrope Moreland* contended, that the misfortunes of the individuals alluded to, arising as they did out of their inviolate allegiance, entitled them to the peculiar consideration of the House.

Mr. *Baring* said, that if the claims of the loyalists were good for any thing, the claims of the merchant creditors were equally so. There were three descriptions of loyalists: 1st, The landed proprietors; 2nd, Persons resident in America, who had claims in America, but against whom the courts of justice had been closed. 3rd, Merchants who were in a similar situation. After the struggle in America had terminated, the House had made compensation to the first class. No compensation was made to the others; because the British government thought that the difficulties in the claims of those persons would have been removed. After much negociation, a commission was opened at Philadelphia on the subject, and there the question was mooted, whether those claimants were entitled to redress. The majority of the commissioners decided in favour of their claims, but the Americans, contrary to good faith, broke up the commission, and thus the matter ended. Under the advice of lord Liverpool, their claims were subsequently entertained by the American government, and a fund of 600,000*l.* was put at the disposal of commissioners. Under that commission the present claimants put in their claims; an award was published, and they actually received 50 per cent. of their demand. The british government, in appropriating that fund to their wants, did not bind itself to make any further grant; and those persons having received their shares of that fund were not entitled to come forward with demands, which ought to have been pressed forty years ago.

Mr. *Wynn* said, that from the best consideration he was able to give the case of those persons, he thought their claims were founded in policy and justice.

Mr. *Money* contended, that the persons whose claims were before the House, were, after their long sufferings, entitled to the sympathy and consideration of parliament.

Mr. *Wilberforce* said he had, nearly forty years ago, supported the claim of these same persons. He had then thought that to refuse their claim would be unjust. Had the promise been made by parliament? Undoubtedly it had. Were they loyalists? They really and truly were. Their claim could not, therefore, consistently with the good faith of parliament, be rejected.

The *Chancellor of the Exchequer* opposed the motion, contending, that it was to the American government, and not to this country, that these loyalists ought to appeal. By the act of 1783, they had received as much compensation as the circumstances of the country could afford.

Mr. *W. Smith* contended, that the promises held forth in the proclamations of our generals were binding on this country; and denied that the inability to make compensation could be urged with effect, when larger compensations were allowed to persons whose claims were not so strong.

The House divided: Ayes, 77 Noes, 60.

HOUSE OF COMMONS.

Thursday, June 7.

IONIAN ISLANDS—CONDUCT OF SIR THOMAS MAITLAND.] Mr. *Hume* said, that he was aware of the situation in which he was about to place himself, by submitting to the consideration of the House a subject involving several points of importance, not only to individuals, but also to the public at large. As he had no personal acquaintance whatsoever with sir T. Maitland, he trusted that the House would give him credit when he stated that the observations which he had to make upon the conduct of that individual were such as were extorted from him by a sense of public duty, and the events which had occurred in the Ionian Islands since he had acted there as lord commissioner. He could have wished that ministers had been present at this discussion [loud cries of "Hear!"] because some of the comments which he should have to make upon the conduct of sir T. Maitland seemed also to apply to the noble secretary of state for the colonial department (lord Bathurst.) He was given to understand that all communications which had been made from the Ionian Islands to England had been made through the office of lord Bathurst; and if that were the case, and if the facts

which he had to state were correct, lord Bathurst appeared to him not to be entirely free from blame. Having himself spent some time in the Ionian Islands, he could speak to the degree of estimation in which the British character was once held there. On the first arrival of the English, the islanders considered them as deliverers, and looked forward to a change from a state of turbulence and faction to a state of peace and prosperity under British protection. For a certain period the islanders remained contented with their lot; but at present, he was sorry to say, the case was altered, and the British character was held there in less estimation than it formerly had been. It was well known that the islands of Zante, Cephalonia, Ithaca and Cerigo had been originally conquered by the British arms in 1809; and that of Santa Maura in 1810: and it could not be forgotten that it was not till the year 1815 that they had been formed by the congress of Vienna into an independent state, under the protection of the king of Great Britain. He wished the House to pay some attention to the treaty which had formed them into this independent state, because much of what he had hereafter to say would depend upon it. By that treaty it was determined that they should constitute a single free independent state, with the name of the United States of the Ionian Islands. Under the guarantee of his British majesty, they were allowed to retain their form of government until a constitutional charter could be drawn up by themselves, which charter was to make them secure of person and property, under the government of his Britannic majesty. In that situation were the islands in the year 1816, when sir T. Maitland went there as lord high commissioner. His arrival was hailed by the inhabitants with the utmost joy, as it was expected that he would immediately preside at the formation of a free constitution. Instead, however, of meeting with a protecting hand from sir T. Maitland, a very early act of his government was, to disperse the senators, who had been sent from the other islands to assemble in Corfu. This his first act struck the utmost terror into the minds of the islanders, because it was in direct contravention of the treaty, which stipulated that the government should remain without change until a constitution was formed. He dismissed four of the senators, because they pretended to have a will of their own, and were not so subservient as he could have wished to his inclinations. They remonstrated against their dismission, but in vain; he sent them from the island, and left the senate under the control of one Teotochi, a creature of his own, to whom much of the former misfortunes of the island were to be attributed. That individual, whom the French government had removed from the islands, and whom sir James Campbell had refused to employ on account of his former misconduct, sir T. Mailand took into the public service, at the same time that he dismissed from it the senators Flamburiari, Roma, Metaxa, Stiffanizzi, and the secretary Cazzaiti, whom he stigmatized in one of his proclamations as inert and corrupt. Now Flamburiari was a man of unblemished character, and had afterwards been reinstated in his office in consequence of a letter from lord Bathurst to the lord commissioner. He was now, however, in a dungeon at Zante, because he had signed a petition to his Britannic majesty, complaining of the arbitrary conduct of sir T. Maitland. He mentioned this fact to show the despotic manner in which that officer attempted to govern the Ionian Islands. The House should know that any thing like liberty of the press was not permitted in the Ionian islands: indeed, but one press was allowed to exist, and that was at Corfu, under the eye and direction of government; so that the commonest advertisement could not be printed without being sent there. A government paper was published from it, which contained a gross libel on the people of the Ionian islands; and sir T. Maitland, in one of his letters of 14 pages, explained the cause why he dismissed the councillors, viz. because they had ventured to complain of this libel. He (Mr. Hume) challenged the hon. under secretary (Mr. Goulburn) to point out any other reason for that act of arbitrary power. Not long afterwards, sir T. Maitland left Corfu for England, to prepare and concert with government the constitution for the islands. On his return he was received with addresses and adulatory effusions of all kinds, though he had expressly stated in his correspondence his utter detestation of every thing like external pomp and parade. These addresses were got up by persons always ready to worship the rising sun, to pay a dastardly court to authority; and the flattery was, in truth, of the most nau-

seating kind. In a short time other public testimonies were voted: a triumphal arch was subscribed for in Corfu, to perpetuate services of scarcely two months' continuance. A colossal statue of sir T. Maitland was raised in Cephalonia; a bust of him, by Canova, was placed in a public situation in Zante. In Ithaca a monument was inscribed to him, and in Santa Maura he was honoured with a second triumphal arch. The consequence was, that those who had been active in these testimonials were selected for reward and office, without mentioning the bands of knights of the orders of St. Michael and St George. It was a fact not to be denied, that sir T. Maitland had made use of public employments and honours to obtain individual subserviency to his purpose to a degree incredible by all who had not witnessed it—by which he had deprived the people of the Ionian islands of that degree of liberty given to them by the treaty of Paris. The insolence of the four remonstrating senators was not to be endured: a spirit favourable to representative government was growing, and must be suppressed; and accordingly on the 18th January, 1817, sir T. Maitland assembled all the authorities, and with great solemnity declared that a conspiracy was on foot, and that the first blow of a revolution was about to be struck. It was then that British officers, some of the staff, were employed to arrest the most respectable individuals in Corfu as disaffected traitors, though some of them refused an office so degrading and unworthy of their rank; yet it turned out that there were but two persons guilty, and they were the individuals who had compounded and fabricated this supposed plot of treason and revolution. One of them was named Lepiniotti, clerk to col. Hankey, sir Thomas Maitland's military secretary, and a young man of desperate fortune, who, aided by another equally abandoned, had trumped up the whole story, which thus spread around dismay and consternation. When the matter was further sifted, it was discovered that not a tittle of credible evidence could be produced against the individuals arrested, and whose papers had been seized and carried to the palace of the lord high commissioner, sir T. Maitland. A commission, consisting of the principal public officers, was named to inquire into the foundation of the plot; and that commission reported that the whole was the mere invention of Lepiniotti and his accomplice. Upon this transaction, he (Mr. Hume) contended ought to be founded a grave charge against sir T. Maitland, for not having acted with greater caution. The court sentenced Lepiniotti to death for his crime; but the lord high commissioner, in his absolute dominion, commuted the sentence to nine years imprisonment, one of which was to be solitary. A few months afterwards, however, this detestable wretch was found at large in the island of Cerigo, acting as secretary to captain Heathcote the commandant of that place. He was then placed in the Lazaretto at Cephalonia, but without irons, and in the enjoyment of every accommodation the place could afford; whether he was now dead or living did not appear. He (Mr. Hume) contended, that the origin of this plot, so convenient to the purposes of sir T. Maitland, was of itself a matter of great suspicion. He had seen a great deal of plots of the same kind in this country, and knew well in what way they had sometimes been manufactured. In order to tranquillize the public mind, after these terrible reports, ending in nothing, lord Bathurst had thought it right to make the *amende honorable*, in a letter to be communicated to those concerned, in which he admitted that there was not the slightest reason for questioning the conduct of any of the parties charged. That letter, dated 21st April, 1817, ran thus: "His royal highness cannot but deplore the wickedness of the individual who, by a long course of falsehood and perfidy, could, without any apparent cause, involve in ruin various respectable families, together with persons immediately connected with him; his royal highness however is happy to find that the proofs of his perfidy have been so clear and so positive as not to leave any doubt whatever in the mind of any one respecting the loyalty of the various distinguished individuals against whom his accusations were directed." He now came to the constitution given to the free inhabitants of this independent state, and he maintained, that it was a complete imposition and farce on the part of this government. His first object would be, to show that it was but a mockery of freedom, and, in truth, devolved the whole power into the hands of sir T. Maitland. A copy of it had been laid upon the table two years ago, and it would be found to give the inhabitants of the Ionian islands, a senate or council of ten members, with a

president, and a legislative assembly of 29 members, amounting to 40 in the whole. Each island was to elect, as it was called, a certain proportion: for instance, Zante was to appoint seven members, but those seven were to be chosen out of fourteen names sent to them by the lord high commissioner. The people refused to vote; they were indignant at such a farce of representation, and the independent parliament of this free people was in fact named by sir T. Maitland. Nothing could be worse but the system of a Scotch borough; and the copy nearly rivalled the original. Having met on the 23rd of April, 1817, and gone through certain forms on that day, how did this independent body proceed with regard to the consideration and discussion occupying 32 closely printed pages? It was read over on the 24th, and, without any discussion, it was adopted, and signed on the 25th. On the 5th of May, a deputation was sent to England with this glorious free constitution, in order that it might receive the sanction of his majesty. With regard to the power given by it to the lord high commissioner, it was to be observed that he was enabled to reject every measure which the legislature might adopt; he might be present at its sittings at any time, and for this reason the place of meeting adjoined the bed-room of sir T. Maitland. This of itself was a most objectionable privilege, calculated to prevent all freedom of debate if it could exist otherwise. He had also the appointment of the principal secretary, without whose signature no law was valid; the treasurer-general was also to be named by him, and to him was alone responsible. In fact, the legislator could do nothing but appoint a few police officers, and make a few internal regulations. The lord high commissioner had likewise the power of reversing the sentences of the judicial authorities, and indeed no judge could act without his sanction and approval. To him was given, in short, the power of finally deciding every case that could be brought before any tribunal of the islands. He was nothing less than a Roman proconsul, the alpha and omega in every proceeding, with the advantage of screening himself from responsibility behind his underlings. It was a complete despotism under the disguise of a representative government, it was more odious than the tyranny of Turkey or Persia, and was a disgrace to England. The hon. member then entered into some details of the transactions regarding the canal and mole at Santa Maura, maintaining that the hon. under secretary (Mr. Goulburn) was completely in error in what he had formerly advanced upon this subject. The hon. under secretary had then relied upon the letter of sir F. Adam; but he (Mr. Hume) was now prepared to show that that authority could not be depended upon. He (Mr. Hume) had formerly insisted, that the cause of the disturbances at St. Maura was the imposition of taxes upon the people, for the construction of this mole and canal, while the hon. under secretary had contended that an absurd rumor that the militia were to be embarked for colonial service was the real origin of them. In contradiction to this last opinion, and in confirmation of his own, he now read to the House several extracts from the petition of the peasantry of Santa Maura, setting forth their poverty, and various grievances, among which was the tax for the public work already mentioned. Another cause of the insurrectionary movements was the employment of foreigners by colonel Robertson, who filled all appointments in his gift with Sicilians, even down to the constables of parishes. He contended that sir T. Maitland was answerable for all the blood that had been shed, and all the property confiscated, in consequence of the disturbances which resulted from his own ill government. It formed also a grave case against the colonial department in this country, which had permitted the name of Great Britain to be coupled with such acts of tyranny and injustice. The hon. member then went on to confute another part of the letter of sir F. Adam, which denied that imposts had been laid upon corn, oil, sheep, &c.; and also adverted to the arbitrary manner in which the sum of 3,000 dollars had been raised by levies, upon the inhabitants who were supposed to have property. Upon this point he produced an original document to the House, published by the government, and containing the various imposts imposed, the contents of which could not be disputed, and were directly contrary to the assertion of sir F. Adam. There were no less than 45 persons assessed at that period, who were found incapable of paying their assessments. When the senate passed the act for levying the contribution, sir T. Maitland was in the island; so of that act at least he could not plead ignorance. Indeed, so flagrant was

the system of the government, not only in this, but in almost every other case, that the acts of oppression were universal; they were so flagrant and arbitrary, that he pledged himself, if the House granted a committee to inquire, or sent out a commission to take evidence (though that was hardly necessary, for the official documents themselves proved enough to support the general accusation) to prove such a system of misrule as must excite the indignation of every good man, and he could only, if his motion should be refused, appeal to the House as a witness of his endeavour to prevent the disastrous consequences of rebellion and civil war which must ensue in these islands, if sir T. Maitland was allowed to act the tyrant. To convince the House of the truth of his statement, he would now mention another case—that of Valerio Stai, who was suspended from the responsible situation he filled, without inquiry, and refused every opportunity of justifying his conduct, although by the constitution he was entitled to have his case carried before the public tribunal. There was another cruel and arbitrary act towards Signor Alisandro Battaglia, who was the inheritor of church-abbey lands, which had for a long course of years been in his family. The estate had been duly conferred by an abbot 150 years before. This man loudly complained of the revision of his title to this property, and demanded that the matter might be legally investigated before the regular judicial tribunals. At length sir T. Maitland determined that the case should be referred to two natives and two Englishmen. The state of things in the islands was such, that the whole four were under the influence of the governor. The parties, however, did not concur eventually in opinion, for two were for referring the case to the lower tribunal, and two for the adoption of a different course. The equality of voices led to the introduction of sir T. Maitland's opinion as umpire, and he, in an elaborate letter, dated the 12th April, 1820, filling several pages, and containing the most extraordinary view of the whole case, decided against the complainant upon the authority of an act passed by the Senate of Venice, in the year 1412, which declared that church property was inalienable. In vain did the complainant urge the length of time during which this property had been in the possession of his family; in vain did he point out, that when they got it the land was uncultivated, and that it had been made productive by the application of their own capital and industry. Nothing could be more flagrant than the act of injustice which had deprived this man of his property. Such conduct ought not to be tolerated in any governor. Sir Thomas Maitland, who had been long in India, ought to have recollected the scrupulous care which was taken by British governors in the East to protect the natives from any wanton attack upon their rights of property, or upon their habits or religious principles. The same proper and politic delicacy ought to have marked his conduct towards the inhabitants of the Ionian islands. It would be endless to travel over all the acts done by the governor, contrary to the spirit of the British constitution, in open violence of these equitable rules which ought to have regulated his conduct towards the people over whom he had been appointed to preside. He would, however, now come to another case. An act of parliament was passed by sir Thomas (he said by him, for to his influence he directly referred every act of the senate) in the month of May, 1820, for the appointment of an administrator-general to superintend ecclesiastical domains. This supervision was of course to extend to all the property of the church; and the person appointed to administer the office was colonel Robertson, a captain of marines, who already held, under the lord high commissioner, more appointments than any other individual he had ever heard of; he was collector-general of customs and public revenue of the Ionian islands; director of the salt works; exclusive purveyor of grain for the supply of the population of Corfu; master of the mint; administrator-general of the civil institutions, hospitals, foundlings, monti de pieta, &c.; director-general of the public roads, bridges, storehouses, markets, &c.; commandant of the Flotilla and in charge of the dock yards in the Ionian islands; captain of the coast and ports of the United States &c. &c. The appointment was signed on the 30th of May, 1820; and its announcement was in fact considered as proclaiming no less than universal confiscation of church property. The hon. member then referred to several of the provisions of the act, to show that it took away from the inhabitants altogether the rights which were previously vested in them by

the constitution of the Ionian islands. The new administrator's authority was to be every thing; and from it there was to be no appeal. Such was the act promulgated to a people, whose previous rights of their own tribunals, had been acknowledged and recognized by the constitution that was to have been maintained. The greatest alarm pervaded the island, upon the manner in which the rights of property had been shaken; but on the 26th June an order came, which might be put in comparison with the most arbitrary decree that had ever been issued in any country. The administrator of convents enacted, that all convents not having four inmates within the establishment, ought to be abolished. Now he (Mr. Hume) did not complain of the general policy of this proceeding, so much as he did of the means by which it was sought to be carried into effect among a people so strongly attached to their religious rites as members of the Greek church were known to be. This violent and arbitrary proceeding created a considerable sensation and much opposition on the part of the people, when in the most wanton and unjustifiable manner, one of the richest and most respectable inhabitants of the island, whose name was Martinango, was seized by armed men, in the middle of the night in his bed, his papers and property bundled together, in the greatest confusion, while he himself was hurried on board of one of his majesty's frigates, and transported to Corfu, where he was kept in close confinement. Nothing could equal the violence and hardship to which this gentleman had been wantonly exposed. He had taken no part whatever in the disturbances, and yet, in defiance of all propriety and law, this was the treatment he had endured; all his memorials and remonstrances, notwithstanding his rank at Zante, being utterly disregarded, he protested against the tribunal, and demanded to be tried by the court established by the constitution—he was tried and condemned, contrary to every existing law, on the plea that the old laws of Venice permitted such proceedings. The sentence was as harsh and unjustifiable as the previous proceeding was cruel and unprecedented. He was doomed to 12 years' imprisonment in the island of Santa Maura, which, considering his advanced age of 66, and the unhealthy nature of the place of his confinement, might be regarded as imprisonment for life. His majesty's ministers he (Mr. Hume) had heard lately, had seen the injustice of the sentence, and changed it to three years' exile in any part of Europe not in his majesty's dominions. But, to suppose that this high-minded man would accept of such terms of clemency, without the power of clearing his character, or justifying his conduct, was to show a total ignorance of his resolution and his principles. To show the unhealthiness of the place of his present confinement, he (Mr. Hume) had merely to state, that he had heard that before he was there, out of a regiment of 700 men, 450 were on the sick list. The hon. gentleman went on to state the hardships of those who had signed petitions to the government at home, for instituting inquiries into the late disturbances, and who had in consequence been arrested and thrown into prison, though the constitution expressly guarantied the privilege of presenting such petitions. Thirty-two persons were in this predicament. Another body of 50 had presented a petition to col. Ross sir T. Maitland's (resident in Zante), and were in a similar manner arrested and punished. One of them, who was a member of the legislature, had been degraded and was to be tried for high treason, while Signor Rossi, who was a magistrate, and who had signed the first petition, had likewise been degraded and ordered for trial. The hon. gentleman then re-stated the list of grievances under which the people of the Ionian islands had suffered, and of which they had complained. The monopoly of corn, which had been at first abolished as unwise and impolitic, was re-established on the 27th of April, 1819. The effect of the measure was, to raise the price of grain from six to ten piasters, and to threaten the islands with a scarcity. In the second place, a great partiality was shown in the treatment of different individuals. For instance, while some persons were detained on board during the regular time of quarantine, others were allowed to land immediately. A third grievance was the exaction on salt, which was severely felt by all classes. A fourth was the employment of foreigners in the police; thus furnishing in every village the sign and evidence of their degradation. The police establishment in these islands was a system of revolting *espionage*. No one durst speak his mind, because every expression, however idle,

might be reported and punished. The last grievance he would mention was excessive taxation to support useless officers. If justice to the Ionians would not prevail on the House to interfere, the enormous expense of 130 or 140,000*l.* which these islands cost the people of England, and that altogether unnecessary, called loud for their immediate interference—exclusive of what was paid out of the taxes of Great Britain. Within these few years 16,292*l.* had been levied for additional salaries. Colonel Robertson received a half per cent. on the whole revenue of the islands, amounting to 432,408*l.*, which, with his other numerous allowances, amounted to a very enormous sum. Sir T. Maitland himself held appointments to the amount of 12,000*l.* a year, and resided in the Ionian islands, or travelled about Europe while his presence was required at Malta, of which he likewise held the governorship. The members of the senate, who were the creatures of sir T. Maitland, were paid, in all, 36,000 dollars. He maintained that the system now pursued in the Ionian islands was such, that unless a speedy and total change should be adopted, most serious consequences must be anticipated, for which those whose duty it now was to interfere would be responsible. It was disgraceful to England, it was cruel to the Ionians, and on the heads of those who supported such misrule would be the blood that would be shed [Hear hear!]. In bringing forward the motion with which he should conclude, the hon. member begged to declare that he acted from motives of public duty alone, and not to attain any private or personal ends. He hoped nothing he had said or should say would hurt the feelings of sir T. Maitland as a private individual; and as a public servant, he could not expect exemption from the strictures which his public conduct might justify. The hon. gentleman concluded by moving, "That an humble Address be presented to his Majesty, that he would be pleased to appoint a Commission to proceed to the Ionian Islands, to inquire into the state of the Government there, the conduct of sir T. Maitland, as Lord High Commissioner, the causes of the dissatisfaction which exists there, and of the numerous arrests which have taken place."

Mr. *Goulburn* begged leave to say, with respect to the treaty of Paris, on which the present constitution of the Ionian Islands was founded, that it would have been well if the hon. gentleman had read that treaty, and observed the limitations and conditions attendant on the formation of the constitution. The object of the treaty was, that the Ionian states should enjoy a constitution founded upon their former constitution, but with greater advantages to themselves, and be placed under the protection of Great Britain. He denied *in toto* that the object or intention was to confer on those states a perfectly free government such as that enjoyed by Great Britain. It was by no means fair, therefore, to compare the legal acts of persons in authority in the Ionian Isles with the legal acts of persons in authority in this country. Whatever defects we might see in the Ionian as compared with the British constitution, it by no means followed that it would be advantageous to the people of the Ionian states to transplant thither the pure British constitution. He dwelt the more especially upon this, because it was a very vulgar error in this country to call all systems of government tyrannical and oppressive which did not exactly resemble the British, although they might be much more suitable to the people among whom they were introduced. The fact was, that the character of the people of the Ionian Isles was such as would not allow of the introduction of a free government to be entirely administered by themselves. Some external protection was necessary to them. Having been previously under the protection of Russia, they were placed by the treaty of Paris under the protection of England. The hon. gentleman here adverted to the history of the Ionian Isles, and specified the various powers under whose protection they had been successively placed. It was with states as with men. There was a period in which they were not qualified to enjoy perfect liberty. In youth a human being must necessarily be subject to some restraint and guidance; and it was only when a state had become mature that it could safely be trusted with unlimited liberty. If in the constitution of the Ionian Islands there existed a frequent reference either to the lord-high-commissioner, or to the British government at home, he denied that sir T. Maitland had exhibited in his conduct with respect to that reference the slightest disposition to arrogate to himself any undue power. As to the elections, he would ask if it was

not sir T. Maitland's duty to assemble (as he had assembled) in the primary council, all those from whose abilities and local knowledge he might expect to derive the most beneficial advice and aid? Let the House look at the names of those individuals. It was impossible to select men of greater rank, property, influence, and other qualities calculated to render them competent to the execution of the task imposed upon them. But the nature of the hon. member's general distaste for these individuals might be gathered from the particular accusation in which he had indulged with respect to one of them, whom he had charged with having been at a former period very hostile to France, and especially obnoxious to Buonaparte. What was the fair conclusion, but that he possessed much of English feeling? As to the case of Mr. Martinengo, that individual was charged with a conspiracy, which involved the lives of several persons; and having been found guilty, he was sentenced to death. The sentence was, however, mitigated to solitary confinement for one year, and eight years' confinement in irons. The hon. member had designated this infliction as one of extreme severity, and yet he had supported a bill which, if it had passed, would have visited the crime of forgery with imprisonment and hard labour for ten years. Not content with charging sir T. Maitland with those acts which were committed when he was in the Island of Corfu, the hon. member had alleged against him proceedings which took place during his absence, and of which he could not have been the author. The hon. member went farther: he blamed sir Thomas for acts of which he had particularly disapproved. In the case of Santa Maura, for instance, sir T. Maitland was no actor whatever. Let it not be supposed that he cast any imputation on the gallant officer who succeeded sir T. Maitland. He was prepared to assert, that the conduct of sir F. Adam, so far from being arbitrary, was the only conduct which a British officer of honour, character, and humanity could pursue. He would deny that he (Mr. Goulburn) had on a former occasion made a false statement of the cause which led to the insurrection at Santa Maura. Although the ostensible cause was the imposition of a new tax, the real cause was, the apprehension that the British government were on the point of sending the militia to the West Indies. In the unfortunate circumstances which ensued, the most laudable forbearance was shown by sir F. Adam. On the 29th of September a large body of peasants in arms approached the town. Instead, however, of repelling force by force, the commanding officer desired them to send the representation of their grievance in the shape of a memorial to Corfu. To this they assented; but on the following day the resident induced several gentlemen to endeavour to appease the people; two of them, however, were arrested, and a constable was assassinated by the peasants; and that took place before it was possible an answer could be returned to the memorial. It was not until the day after the assassination of the constable that sir F. Adam ordered a reinforcement of troops from Corfu. On the 3rd of October the insurgents began the work of destruction, by rushing down on the town, and setting fire to a magazine. Upon this, the officer on duty, very propetly thought it necessary to act. The moment that the insurgents were defeated, all hostile proceedings were stopped; and the principal delinquents were arrested and brought to justice. So far were the subsequent proceedings from being sanguinary in their character, that only four of the principal ringleaders were executed. The hon. member had required a return of the killed and wounded. It was impossible to furnish that information in an official shape. But he knew, on the best authority, that the number did not exceed fifteen or twenty.—He now came to the case connected with the administration of the church property. He positively denied that any confiscation of the church property had ever taken place for purposes of revenue. The object was to rescue it from those by whom it had been unjustly obtained, in order to restore it to the church, that it might afford the means of diffusing additional religious instruction. With respect to the case of Pataglio, that case had come before the proper court; in which two of the judges were of one opinion, and two of another; a complete answer to the insinuation of the hon. member, that the judges were wholly under the influence of sir T. Maitland. The lord-high-commissioner was compelled ultimately to decide; and whether his decision was correct or not, if he decided to the best of his judgment, no imputation could possibly attach to him. The next point adverted to was the decree

for the reclamation of church property. But the hon. gentleman had concealed the fact, that the decree was issued in the absence of sir T. Maitland, and that on the return of sir Thomas he caused that very decree to be recalled. With respect to the disturbances at Zante, and the prosecutions which followed, the hon. member had contended that those prosecutions ought not to have been instituted, because the disturbances emanated from the act of government. But even if that had been the case, he must deny that the disturbances were justified. The fact was, that the disturbances originated, not in any alarm for the interests of the church, but in the alarm of those who feared that the property which they had iniquitously obtained would be taken from them. Martinengo was undoubtedly arrested, but with other persons. The hon. member objected to the tribunal by which Martinengo was tried, as unauthorized by the law of the Ionian states; and to the prosecution itself, as exhibiting a disregard of justice. Both those positions he denied. He maintained that the tribunal was competent, and referred to the articles of the constitution in proof of his assertion. The lord high commissioner had referred the subject to the highest legal authorities in the Ionian states, and their opinion was, that the ordinary civil tribunals could not take cognizance of the particular crime; and that there was no alternative but that the lord high commissioner, or some one delegated by him, should act as judge on the occasion. It had been argued that the tribunal before which this individual was tried was not competent to the inquiry; but even Martinengo himself had made no objection to the competency of the tribunal. He had appealed on different grounds, namely, that he had petitioned the king and government of Great Britain, and therefore he claimed, as a matter of right, that he should not be put upon his trial until an answer to that petition had been received. The hon. gentleman might contend that this was a legal ground of postponement, but how could it be so considered unless it was allowed to operate in criminal cases generally? If such a delay were allowed, it would overthrow the whole criminal jurisdiction of the Ionian states. He would say, therefore, that whatever inconvenience arose in the trial of this gentleman, it was not at all attributable to the lord high commissioner. If the delay claimed by the accused could not be allowed by law, what course could be followed but that of giving the party time to enter upon his defence, and in default of any defence to pronounce sentence? He denied that Martinengo had been punished with more than necessary severity—he had been allowed to take necessary exercise under the inspection of a police officer. As to the alleged unhealthiness of the prison in which he was confined, he did not deny that sickness had prevailed in Santa Maura; but it appeared from the report of an officer, who had long served in the Mediterranean, that that island was more healthy than any other of the Ionian islands, except Cerigo, but the situation of that island made it inconvenient to send persons to it.—The hon. member, after alluding to another individual who had been convicted upon acknowledging that a certain document, in which it was stated that the Senate was venal and corrupt, was in his hand-writing, proceeded to show that the fees and emoluments under the former state of things were much greater than the regularly established salaries of officers now were. This had been the work of sir T. Maitland. He had also put down the monopoly of grain, and had left that trade open in the islands. This, however, was not easily done; it was not until all attempts to induce the merchants to open the trade had been found fruitless, that the funds of government had been placed in the hands of an individual for that purpose; and by what means, he would ask, could those islands expect to be supplied, unless the granaries of Europe from the Black Sea were opened to them? This it was that had preserved the Ionian islands from that famine which otherwise would inevitably have come upon them. The hon. member had charged sir T. Maitland with a proneness to adulation, a fondness for show and parade, and, in fact, with supporting bribery and corruption. He was aware that the high and meritorious character of that gallant officer could gain little from his advocacy. He would however maintain, that the charges urged against him were wholly groundless. He did not feel it necessary to put the general character or the public services of that gallant officer in opposition to those charges; but he felt confident in asserting, that either the one or the other would be more than sufficient to vindicate him from any imputation now attempted to be cast upon him.

Mr. *Bennet* said, that his hon. friend had truly described the constitution given to the Ionian islands as a mere mockery, a trick, a juggle. It was high sounding and pompous, indeed; something to the ear; a little to the eye; but, in fact—in substance—nothing. It was something like those constitutions which, for the last twenty years, the French government had been in the frequent habit of promulgating; but, whatever were their specious pretensions, in the one case, the power of the emperor, and in the other the exorbitant power of the lord high commissioner, effectually abrogated them. As for the lord high commissioner, he had so fashioned the constitution which he had given to these people, that while there was some appearance preserved of his own measures being liable to parliamentary cognizance, he, in fact, behind the scenes, was the head, the master Punchinello, who worked the puppets within just as he pleased, and directed all their movements. The hon. gentleman had said, that this government worked well. He begged the House to consider whether it did or no. Let them look at the case of Battaglia, for instance. This person and his ancestors had held a property, derived from the church, ever since the year 1387. A captain of marines made a report of this circumstance; a Venetian law forbade the alienation of church property, and the property was declared to be forfeited to the church. Upon such a principle, all those church lands, lying in every part of this kingdom, which had been seized by Harry the eighth, and parcelled out among innumerable persons, would be at this day equally insecure. It had been objected to his hon. friend that the charges he had brought forward were not of a sufficiently specific nature. This did appear a singular objection, for certainly he had never heard charges more minute or fuller of particulars. In what did these consist? There was the case, in the first place, of Martinengo. He did not believe that such a thing was ever heard of in this country as a man's being brought to trial upon such a charge. But the hon. gentleman considered the punishment as not a severe one. What! twelve years' imprisonment no severe punishment to a man 66 years of age? The hon. gentleman contended that it was necessary to invest the lord high commissioner with absolute power for the protection of and benefit of the people. Would the House endure such a doctrine? Were they disposed to think that in order to have a people protected, it was necessary to strip them of all rights, of all constitutional security, of all legal defence? It was also a cause of general complaint, that all places and offices were shut up against the natives, and were disposed of amongst young men from England, who were ignorant of the dispositions of the people, and the language of the country. He had been informed, that a number of Sicilians had been placed in the islands, for what reason or through what interest he knew not. If ministers meant to preserve the peace and to promote the interests of the Ionians, the first step they should take would be, to give the people an authority and influence over their own affairs. He wished to have something like the British constitution adopted in these islands; and that the government should cease to be that of one man, whose will appeared to be the supreme law.

Mr. *Evans* said, he would defy any man to say what the crime of Martinengo was from the manner in which the charge against him had been stated. With respect to the powers given to a colonel of marines over the houses of religious worship, he considered it unjust, impolitic, and calculated to excite the jealousy and discontent of the people. The power of sir T. Maitland over the islands was too great for any man to be entrusted with: it was not defined, it was not limited. Every friend to the Ionians should vote for inquiry, because in that case the causes of discontent might be ascertained. Nay, every friend of sir T. Maitland ought to call for investigation; because, without investigation, it would be impossible for him to escape censure.

Mr. *J. P. Grant* said, he was confident the conduct of sir T. Maitland required explanation only; but as the motion went to impute misconduct to him, he could not support it. The constitution upon which he acted had been laid upon the table of the House, and had not called for any comment. Whether it was wise to leave the Venetian laws for the government of these islands was one thing, but it was another to blame sir T. M. for having acted under them. In the case of Martinengo, it was no part of sir Thomas's duty to reform the law. The laws in existence were those of Venice. The property confiscated was applied to building churches. Persons whose property

was confiscated had a right to complain; but the ministers of religion and the people had no right to complain. He was satisfied, that the more sir T. Maitland's conduct was inquired into, the better it would appear.

Mr. *Brougham* said, he did not mean to make any charge against sir T. Maitland. His conduct was not the subject in question: but he had seen enough of the Ionian isles, to convince him that the subjects of that country lived under a dispensation of law, which, he thanked God, no other part of the empire lived under. With respect to the case of Martinengo, he would only beg the attention of the House to the kind of law which was administered in those islands. Of the charge brought against him, it would be impossible for the most acute man in that House to conjecture, from the manner in which it was stated in the document before him; it stated that the prisoner, in the name of the senate, was charged with crimes and offences against the state, as principal actor in the same. Crimes and offences against the state might mean every thing or nothing. He contended, that on the face of the indictment there was no charge made against the accused, against which he could be prepared to defend himself. It might be very well that the lord chief commissioner should be invested with the power of the doge of Venice; and, by way of making the thing more palatable to the people and more respectable in the eyes of the British parliament, it might be well to have added to that the powers of the inquisitors of Venice: but, at all events, it was but right that the existence of such things should be known to that House in order that it might redress them.

Sir *R. Wilson* said, that though he saw no ground for impeaching sir T. Maitland's conduct, he should vote for an inquiry into the system. If he were sir Thomas, he would be the first to call for an inquiry. It would be better for the inhabitants to be under an arbitrary government, than under one organised like the present.

Mr. *Money* thought the friends of sir T. Maitland had reason to complain that the most trifling circumstances connected with his conduct had been magnified into crimes. Much good might result from a revision of the laws; but sir T. Maitland had acted only as the agent of those laws.

The Marquis of *Londonderry* rose to offer a few remarks in answer to the course of argument taken by the hon. and learned gentleman, who certainly had narrowed the question, as no part of his argument went to criminate the gallant officer. It was impossible to disguise the fact of the hon. member for Aberdeen having brought forward charges which must be considered important; but it was impossible to place before the House more justification of sir T. Maitland than his hon. friend had afforded. He denied that the Ionian islands were to be considered as a colony of this country. He would admit that this country had undertaken a superintending care over them, which ought not to be withdrawn, but parliament ought to exercise that power with great caution and circumspection, as to any interference with the internal government. Before parliament resolved to visit these islands with a commission, they ought to be satisfied that all the powers in the island had been exerted without effect. It was a mistake to suppose that any thing like our own constitution was conferred upon the Ionian islands, or would be a benefit to them. But the system was only in operation for two or three years, and it was a little too early to think of subverting it. At this moment, sir T. Maitland had come home, in company with other competent persons, with a view to the improvement of the criminal process of the island. He could also state, that the great evil, the purchase of justice in the island, was removed; and he thought the House should reflect long and seriously before they consented to pull to pieces the existing system.

Mr. *Lennard* considered the situation of the inhabitants of the Ionian islands peculiarly unfortunate. They were entitled to a free constitution by the treaty of Paris; but nothing had been resorted to but the mockery of a constitution.

Sir *I. Coffin* said, he had known sir T. Maitland 36 years, and a more able and gallant officer did not exist.

Mr. *Hume* observed, in reply, that he must, notwithstanding all he had heard, still consider sir T. Maitland as culpable in a high degree, inasmuch as he had had the power of preventing the occurrence of those unfortunate scenes which had taken place in the islands. It had been mentioned, that during the course of sir T. Maitland's public services this was the first time that any complaint or reflection had been made against him. That he denied; and it was well known to the hon.

secretary, that many complaints had been made against him for arbitrary acts in different parts of the world, which he (Mr. H.) regretted had been passed over by the Colonial office in the manner they had done. And very lately when his conduct was brought before the bar of the public, it had received that reproof which, in his recollection, no commanding officer had ever received—it was the case of an officer in the Ionian islands, who had obtained a verdict against sir T. Maitland, his commanding officer, under the charge of having "unlawfully, wrongfully, and maliciously contrived to injure, oppress and grieve him." In the conscientious discharge of his duty, he had brought these facts before the House, and was willing to prove at the bar what he had advanced. The fact was, that ministers did not seem to know the truth. The best way of ascertaining it would be, to send out a commissioner to inquire into the circumstances he had mentioned: and if the conduct of the lord high commissioner was such as had been described, no fear could be entertained as to the results of such an inquiry. The noble lord had not contradicted any one of the points which he had brought forward; and he put it to the House, whether they would suffer the Ionian islands to go on from one act of rebellion to another, without an inquiry into the existing abuses. He protested for himself and those who would support his motion for inquiry, against being considered a party to such proceedings. In conclusion, he assured the House, that he had not introduced this question from any party motives, but solely with the view that justice might be done where it was so loudly called for.

The House then divided:—Ayes, 27; Noes, 97.

List of the Minority.

Bury, lord
Buxton, F.
Davies, col.
Denman, T.
Evans, T.
Folkestone, lord
Grattan, J.
Guise, sir W.
Gurney, H.
Harbord, hon. E.
Hobhouse, J. C.
Lennard, T. B.
Maberly, J.
Maxwell, M
Milbank, J.
Monck, J. B.
Moore, P.
Newport, sir J.
Palmer, C. F.
Rice, S.
Robinson, sir G.
Rumbold, E.
Russell, lord J.
Smith, John
Tennyson, C.
Whitbread, S. C.

TELLERS.

Hume, J.
Bennet, hon. H. G.

HOUSE OF COMMONS.

Friday, June 8.

Grant to the Duke of Clarence.] On the order of the day for taking into consideration the resolution of 16th April 1818, granting the duke of Clarence an annuity of 6,000*l.* per annum,

The Marquis of *Londonderry* said, it would be recollected, that in 1818 a proposition for increasing the provision allowed to different branches of the royal family received the sanction of the House. It arose from the Prince Regent deeming it necessary to bring under the consideration of parliament the situation of certain branches of the royal family then on the point of contracting marriage. In laying before the House, in 1818, the necessity of making an addition to the allowances of the royal family, it was his duty to suggest, that in the failure of heirs to the duke of York, the country must naturally look to the succession to the Crown being kept up by the younger branches of the royal family, and that, therefore, it was proper for them to contract marriages with individuals of suitable rank. Here the noble marquis apologized for having commenced his statement before the House was in committee. He then moved, "That the Speaker do now leave the chair."

Mr. *Monck* referred to what had fallen from the chancellor of the exchequer on a former evening. The right hon. gentleman had said, that the country could not afford to pay the debt claimed by the American loyalists, who asked for nothing more than what was strictly just. Now if, they could not afford to pay a debt of strict justice, the House would not, he hoped, be hasty in doing an act, not of justice, but of mere grace, bounty, and national generosity. But, independently of this, alterations had occurred with respect to the value of our currency, which rendered the present time peculiarly ill-suited for a grant of this nature. It was during Mr. Fox's administration that the present allowance was made. At that time 6,000*l.* was added to the 12,000*l.* originally granted; and that increase was expressly made on account of the great rise which had taken place in all the necessaries of life. But how was the fact now? Articles of consumption were reduced, very nearly, to the value which they bore at the time of the original grant. But he had another objection to this

grant, which was connected with the honour and dignity of the illustrious person whose income they were called on to increase. They were living in an age which was remarkably censorious, and people were disposed to examine with a microscopic and criticising eye the conduct of princes. They would look, he would not say to the violent, but the marked conduct of the duke of Clarence, pending a late trial. Coupling his conduct on that occasion with the present application, he would put it to the House whether persons would not be induced to form extremely erroneous ideas and conclusions with reference to the motives by which he had been actuated. They would not trace his conduct to the right motive—a high sense of the parliamentary duty which he had to perform—but to an interested feeling and a prospective view to the present communication for an advance of income. For these reasons, he should oppose the Speaker's leaving the chair.

The House having gone into the committee,

The Marquis of *Londonderry* said, that with respect to what took place in 1818, he would briefly observe that, from certain circumstances, that which parliament then meant to effect was not realized; and in consequence the present grant was called for. It was true that the allowances of the royal family were settled in 1806; but those allowances referred, not to the married, but to the unmarried state of the parties. Now, though lord Grenville's administration increased the allowance to the royal family when they were not married, it did not follow that a farther increase ought to be withheld when their situation was essentially altered. The scale of provision submitted to the House in 1818, did not meet the feelings of parliament, and that general scale underwent a considerable reduction. The situation of the duke of Clarence stood on special grounds; but, though it was contemplated to give to him a larger sum than to the other members of the royal family, the House manifested an unwillingness to place him in a better situation than that in which his royal brothers stood. Still he was perfectly sure that the feelings of the House were entirely in favour of the minor grant; and when he wished to withdraw the report, a right hon. gentleman expressed a desire that it should be brought up, in order that the House might express its sense of this particular case. The vote, as then proposed on the reduced scale, was 6,000*l.* a year for the joint lives of the duke and duchess. Though the royal duke could have no objection to the sum being settled on his illustrious consort, yet he knew that if he accepted it, under the then circumstances of the country, he could not properly support his dignity at home, and he preferred to go on the continent, and live on a smaller income. He, therefore, in a very respectful manner, declined the grant, and went abroad, but in a little time he was obliged to return in reference to his consort's health. If Providence had preserved to the nation the illustrious infant princess who was the issue of that marriage, it might have been his duty to have come down to parliament before now to have requested the House to revise that provision. The change of circumstances which had taken place relative to the royal duke, now made him call upon parliament to resume their original vote. As his royal highness was settled again in this country, he, on the part of his royal highness, called upon the House to put him in the same situation as he would have stood in, had the bill been passed at the time of the marriage. He hoped there would be but one feeling in the House on the subject, and that in order to support the dignity of the royal duke, they would suffer the bill to take its operation from the original period of the vote. It should not be forgotten that his royal highness was the next brother to the duke of York, and that this provision was absolutely necessary to support his rank and dignity. In fact, he required no more than was already granted to his younger brothers. He did not wish to found this application on any personal comparison of the members of the royal family, but he could not avoid saying, that in that illustrious family no greater example of domestic propriety could be witnessed than that displayed by the royal duke, whose union with his amiable duchess had produced blessings to themselves, and might be productive of great advantages to the nation. The noble marquis concluded by moving, "That his Majesty be enabled to grant an additional yearly sum of money out of the Consolidated fund, not exceeding 6,000*l.* to make a suitable provision for his Royal Highness the Duke of Clarence, to commence and take effect from the 5th of April 1818."

Mr. *Hume* thought the noble lord ought to divide his proposition into two parts. To the first part, the House would perhaps agree; but the second involved a question of arrears, which he conceived ought not to be granted.

The Marquis of *Londonderry* objected to the suggestion of the hon. member, which went to destroy the spirit in which his proposition was conceived.

Mr. *Hume* said, that if the noble lord would be content to give the duke of Clarence no more than his brothers possessed, he was ready to go so far with him. The noble lord had called on the House not to place the duke on a worse footing than the younger branches of the royal family. He, for one, was ready to place his royal highness on an equality with his brothers. The late duke of Kent and the duke of Cambridge had each 18,000*l.* a year; to which 6,000*l.* was added on their marriage. Now, he was ready to place the duke of Clarence in the same situation; but before the increase asked for was granted, he must refer to the papers on the table; and these would show that an additional grant, not of 6,000*l.*, but of 3,500*l.*, would place his royal highness on a level with his brothers. Since the vote of 1818, the first of his present majesty had made a complete alteration in the state of the civil list. By that act 845,000*l.* was granted to his majesty, exclusive of all allowances to other branches of the royal family. By a former bill passed in 1806, an addition of 6,000*l.* had been made to the then income of the royal family of 12,000*l.* each. But it would be found, that besides 6,000*l.* being granted to the duke of Clarence at that time, to make up a nett 18,000*l.*, an additional sum of 2,500*l.* was conferred on him, over and above the grant bestowed on the other branches of his family. That sum was now paid out of the consolidated fund, and therefore must be taken as part of the 24,000*l.* which it was intended to give him. As this was the fact, and as the noble lord only wished to place the duke on the same footing with his royal brothers, why did he not call for 3,500*l.* instead of 6,000*l.* per annum? With respect to any arrears, he should strenuously oppose them. The queen had formerly refused 50,000*l.* a year; and only accepted 35,000*l.* a year; the duke of Clarence had been also offered 24,000*l.* a year, but he then refused it. The arrears due to the Queen since her refusal were 90,000*l.* If it was right to give the duke his arrears, surely the Queen ought to get her arrears also; but that circumstance entirely escaped the notice of the noble lord, when he lately proposed a provision for her majesty. If such a proposition had been made, it would doubtless have astonished the noble lord, though he now recognized the principle for the duke of Clarence. Was this equal justice? He (Mr. Hume) would certainly have proposed that the arrears should be paid, if it had not been for the unfortunate advice which induced her majesty to send a message down to the House, declining all pecuniary assistance. The duke of Clarence had already 20,500*l.* per annum, and it was now proposed to make it 26,500*l.* The conduct of ministers to another branch of this illustrious family was most reprehensible. He alluded to the infant daughter of the duke of Kent—the heir-presumptive to the throne. She was supported by an individual, she was not allowed the smallest portion of assistance from the state. He conceived that some parliamentary provision ought to be made for her maintenance as well as for that of other branches of the royal family. An annual income was, it was true, granted to her mother; but those who knew the expenses attendant on the high rank which it was necessary for her to maintain, would perceive that of 6,000*l.* a year little could possibly be left for the support of the legitimate infant princess. Before they agreed to this grant, they should recollect that not a shilling was provided for the child of the duke of Kent, while the illegitimate children of the duke of Clarence were supported by pensions from the public purse of 500*l.* each or 2,500*l.* which in the same principle, applied to the duke of Kent's daughter, ought to be paid out of the income of the duke of Clarence. He could not be answered by being told that the brother of the duchess of Kent had taken charge of this child of his own free will. He looked upon the offspring of the royal family as the children of Great Britain; he thought they should, as such, be supported by the public, instead of being maintained as this child was now supported. He felt this sentiment more particularly when an application was made, which he hoped would be refused, for a larger grant to the duke of Clarence than had been received by other branches of the royal family. He could not endure to see this partiality, more especially when he considered the conduct of the duke of

Clarence on a late occasion. No part of his royal highness's public conduct, during the last eight months, was calculated to produce that respect which the nation was naturally disposed to pay to the royal family. With respect to his royal highness's domestic behaviour and private virtues, they might bear out the picture given of them by the noble lord; he could not, of his own knowledge, agree or deny the assertions. To these he did not advert; he looked only to the public conduct of his royal highness. Would any gentleman stand up, and state manfully, that he would sit on the trial, almost for life or death, of a near relation? Would it not have been better, in every point of view, if the duke of Clarence had shown some of that delicacy which appeared to have actuated other branches of the royal family? He would appeal to the conduct of the duke of Sussex. Did not a sense of delicacy and propriety keep him from appearing before that tribunal by whom his relative was tried? He repeated, that he would willingly place him on an equality, but he saw nothing in the conduct of the duke of Clarence that ought to place him in a better situation than the younger branches of the royal family; and, therefore, if the vote were persisted in, he would certainly take the sense of the House on it. As to the granting a large sum by way of arrears, he felt so much hostility to the proposition, that he would throw every possible impediment in its way; because he conceived it to be most unjust to grant arrears to one member of the royal family and to withhold them from another. In the one instance a portion of the grant was given up from a liberal feeling—in the other, it was thrown up with a degree of petulance. He would, however, place the duke of Clarence on the same footing with his younger brothers; but before he did so, the House was bound to ascertain what had become of the private property of his late majesty? He would state how the matter stood, and if they would then proceed to vote the public money, without knowing how the 100,000*l*., the 200,000*l*., or the 300,000*l*, which was said to have been left to the royal family, had been disposed of, it would be extremely unjust to the public. If the hand of power had been exerted, as was reported, it was necessary that some investigation should take place. If a will had been made, as was said, why should it be kept from the public? If a will had been drawn up which was not legally sanctioned, then, by the law of the land, the property to which it related became public property, and might be applied to the payment of the proposed annuity. By the 1st of Anne, the sovereigns of this country were prevented from alienating any of their property; the 39th and 40th of George 3rd, gave power to his majesty to dispose of certain manors and hereditaments purchased out of the privy purse, which otherwise came under the operation of the act of Anne. By the act of George 3rd, the king was allowed to make a will, bequeathing property of this description. If the will were drawn up agreeably to the prescribed legal form, the right to the property thus disposed of was valid; but if the will were not made agreeably to the forms ordered, then the property reverted to the public. Report said that a will had been made, by which his late majesty's property was divided amongst his sons, the duke of Clarence being one. This fact ought to be ascertained, before they increased his income; because, in the event of considerable property having been left to his royal highness which, might be sufficient in addition to his present allowance, he could see no reason for calling on the House to add to his income. If there were no will, the property became public property, and the annuity might be defrayed out of it. If there really was no such document, let ministers state that the law of the land, so far as they were concerned, had been acted upon. Either such was the case, or this property, which was managed by count Munster and others for a number of years during his late majesty's illness ought to be accounted for, as it must have amounted to a very considerable sum. If the noble lord would agree to withdraw the vote for the arrears, he (Mr. Hume) would support an allowance which would amount to 24,000*l*. a year, and thus place the duke of Clarence upon as good a footing as the other younger brothers of the royal family. He moved therefore, as an amendment, that instead of 6,000*l*. the sum of 3,500*l*. be substituted.

The Marquis of *Londonderry* said, that in adverting to the 2,500*l*. charged on the Consolidated fund in favour of the duke of Clarence, the hon. gentleman ought, in fairness, to have stated the way in which that sum had become so charged. The fact was, that it had been granted to the duke at an early period of his life, and

charged on the civil list. When an additional provision was made for the royal brothers, that sum of 2,500*l.* was not noticed, because the duke of Clarence was the only one of those brothers who had no professional income. The duke of Kent had the government of Gibraltar, which was worth 7,000*l.* a year. This system, therefore, of comparing one branch of the royal family with another was ill-advised and ungracious. Nor was the comparison between the reduction which her majesty in 1813 had signified it to be her wish should take place in the grant proposed to her, and the refusal of the duke of Clarence to accept the allowance voted to him three years ago, less so. No change had taken place in the circumstances of her majesty's life which rendered inadequate the sum she had contemplated as sufficient. But the circumstances under which the duke of Clarence had declined the liberal provision which had been made for him by parliament not having continued to exist, he was perfectly justified in stating so. Now as to the burdens, he hoped the hon. gentleman could be as singular in his feeling upon that subject, as he usually was in his other topics; and that he would fail to persuade the House to consider this vote in any other light than as the carrying into effect their own former intention. With respect to the explanations asked for, about his late majesty's property, that was not the moment at which the House would expect him to go into so important a question; but as to the will of the late king, he believed he might say that it had not turned out to be an effectual one. At the same time, he could assure the hon. gentleman that on a future occasion there would be no hesitation to lay the matter before the House. The fact was, that all those idle tales which were afloat about the 1,000,000*l.* of property which his late majesty was represented as having died possessed of, were the mere fabrications of ill-informed, or ill-designing persons. The property that his late majesty did leave behind him was very trifling, not much exceeding 80,000*l.*; and that amount was subject to many claims which might naturally be supposed to arise. He left the House to consider how very small a portion of this sum his present majesty could apply to his own purposes; but though this will, which conveyed to him no beneficial interest, was irregular and inefficient in its present state, and his majesty might take the property "*jure coronæ*," it was his intention to discharge every provision of it, as if it had been formally drawn up and executed under the statute of queen Anne. The administration of that property was vested in persons of competent authority. He need hardly tell the hon. gentleman that the duke of Clarence took no benefit whatever under the will. He was quite surprised to find the mischievous delusions which had gone abroad, in the mouth of an hon. member who ought to have been better informed. Similar accumulations of property had been also attributed to the late consort of the deceased king. She, too, had been accused of having made a purse for the benefit of her family on the continent. The fact was, that she really died with hardly assets enough to cover her debts. All her savings had been exhausted in her extensive charities during her long and benevolent career. Under these circumstances, he trusted in the candour and liberality of parliament: he did hope that as Englishmen they would feel that they had already recognized the propriety of the grant proposed, and that he should hear no second voice raised in support of the amendment.

Mr. *Williams* said, that what he had understood was, that the grant of 2,500*l.* to the duke of Clarence was founded on the circumstance that he was the only one of the royal brothers who had no professional income. Now, the duke of Sussex had no professional income, and was the only member of the royal family who had never received sixpence out of the taxes levied on the people of England over and above the allowance voted him. He allowed that it was the duty of parliament, on these subjects, not to look to the right or to the left; otherwise he would say, that there was no member of the royal family who held a higher character as an English gentleman than the duke of Sussex. There was no member of the royal family who evinced more genuine humanity, who more warmly encouraged the arts, who contributed with greater cheerfulness to those valuable institutions which conduced to the prosperity of the country.

The Marquis of *Londonderry* said, that what he meant to observe was, that parliament, in granting to the royal family incomes upon former occasions, had not taken any notice of their accidental or professional emoluments.

Mr. *W. Smith* said, that the part of the proposition to which he most objected, was the payment of the arrears, of which he would not consent to vote a shilling. If the duke wanted the sum voted him in 1818, why did he not accept it? If he did not want it, why was parliament now to be called upon to pay it from that period? Adverting to the property of his late majesty, he observed, that as that property had fallen to the king *jure coronæ*, the subject ought to have been brought under the consideration of parliament when the civil list was arranged. Supposing the real estate of his late majesty were to turn out to be worth one, two, or three hundred thousand pounds, would any man tell him that that was not a sum which parliament ought to be called upon to appropriate? With respect to the 2,500*l.* a year, he did not think the length of time which it had been paid, any defence of the principle of a larger allowance.

Mr. *Huskisson* said, that the estates of his late majesty, as he had not disposed of them by a valid instrument, had certainly devolved to the king *jure coronæ*. As such they had been placed under certain officers, and their proceeds would be accounted for. He wished he could confirm the hon. gentleman's supposition that those estates were worth one, two, or three hundred thousand pounds. He regretted, however, to say, that he believed, if the whole were sold by auction to-morrow they would not realise 20,000*l.*

Mr. *Bright* had no objection to granting the additional 6,000*l.* a year, but he did not see upon what ground the arrears could be demanded.

Mr. *Tierney* observed, that having supported the grant of 6,000*l.* a year to the duke in 1818, he felt himself bound to vote for it at present. In doing this he was doing no more than the public would then have done if his royal highness had not refused the grant. He regretted that his royal highness had been so ill-advised as to do so. It should notwithstanding be recollected, that the increase of provision was proposed upon his marriage being in contemplation. His royal highness, however, did get married, and that marriage was highly creditable both to him and to his royal consort, as it was the only royal marriage which had been contracted within a considerable period, without a view to an increase of charge upon the public. He had long expected to hear the present grant proposed to parliament, and was only surprised that it had been so long delayed. The original grant proposed for his royal highness was 10,000*l.* The hon. member for Surrey had proposed to reduce it to 6,000*l.* and he (Mr. T.) considering the state of the country, thought it right to vote for the latter sum. From that moment, he felt himself pledged to the grant; in short, he could not run away from his own vote. As to the other part of the question, the arrears, there was a shadow, and only a shadow of argument against it. The country had been benefited by his royal highness's refusal of the grant, inasmuch as it had the interest for the last three years. It was many years since he had the honour of being acquainted with his royal highness, and therefore he could have no personal motive in supporting the present question; but he had been informed that his royal highness had, since his marriage, conducted himself in a most meritorious and exemplary manner.—All, then, that was asked of the House, was to forget any little heat which occurred three years ago, and to grant that sum now which they then offered. An hon. member had mentioned the provision made for the duke of Sussex. If the question now was, as to whether any of the royal princes were entitled to an additional provision, undoubtedly the duke of Sussex would have the highest claim, and if a fit opportunity occurred, he would be most ready to support it, as no man felt more fully than he did the sense which the country entertained of his royal highness's conduct.

Mr. *Forbes* contended that the private conduct of any of the princes of the blood royal ought not to become the subject of discussion when any grant was proposed for the maintenance of their royal dignity. He thought that on the present occasion there had been a good deal of inconsistency on both sides. A former grant to the duke and duchess of Cumberland had been objected to on grounds which he considered unfair and ungenerous. He thought it was unfair and illiberal to allow scandalous rumours to weigh with them on such occasions. From every thing which had come to his knowledge on this subject, nothing could be more praiseworthy than the conduct of the duchess of Cumberland. He had understood the noble lord to state, that the proposed grant was for the purpose of placing the duke of Clarence upon a foot-

ing with his royal brothers, but it was known that no provision of the kind had been made for the duke of Cumberland on his marriage. He had hoped that the noble lord would have come down for the purpose of proposing a grant of this nature to the duke of Cumberland, and that he would also have proposed a similar provision for the daughter of the duke of Kent. The noble lord had stated, that if the daughter of the duke of Clarence had lived, a suitable provision would have been made for her; but that princess having died, the princess of Kent was placed in the same situation; in fact, she might one day become the sovereign of these realms. It might be thought that the prince Leopold would support his niece out of the large provision made for him. If the allowance made to that prince was too large, let it be reduced [No, no!]; but let not his income be decreased in such a manner as this. He would certainly vote against the grant to the duke of Clarence unless one to the duke of Cumberland was also granted. As to the proposed grant of arrears, it ought not to be listened to; her majesty might as well claim the arrears of the difference between 35,000*l.* and 50,000*l.* which she had refused when princess of Wales.

Sir *J. Yorke* said, that he would vote for the grant of 6,000*l.* a year; but he had no notion of paying any arrears. He was reminded on this occasion of the old proverb,

> "He that will not when he may,
> "When he will, he shall have nay."

He saw no reason why, on account of the death of the young princess of Clarence, the name of another young princess with a hard name, Vittoria or Victorine, should be introduced. Before any arguments founded upon that subject should be brought forward, they ought to give the duke of Clarence time to try his hand again. He might have another princess Elizabeth, or young prince George. They should wait at least another twelvemonth, and see what might be the result, as neither the duke nor duchess of Clarence was too old for procreation.

Mr. *Harbord* felt himself bound to support the grant of 6,000*l.* a year, but would oppose granting the arrears. He would therefore move, as an amendment to the amendment, that the sum of 6,000*l.* a year be granted to the duke of Clarence.

Lord *Milton* regretted that upon a question of this importance a specific message from the Crown had not been brought down. The grant under discussion had been voted, three parliaments ago. If this was made a precedent, no one knew to what consequences it would lead. He was ready to vote for the 6,000*l.* a year, but he would certainly oppose the arrears. The altered state of the currency made it necessary that all public allowances should be revised. This was not the period for introducing such a proposition, but he felt convinced that the next session would not pass over without the occurrence of circumstances which would impress upon every man the necessity of such a measure.

Sir *R. Wilson* thought, that though the duke of Clarence had no legal claim to the grant, he had an equitable one. It would, he thought, be an inconsistency in the House, to act upon the refusal of his royal highness on a former occasion, and would have the appearance of a vindictive feeling, which it would not become the House to entertain. As to the arrears, he thought that as it was now more than twelve months since the return of his royal highness to this country, the arrears ought to be allowed for that time at least.

Sir *F. Blake* expressed his entire concurrence in the proposed grant of 6,000*l.* a year.

Mr. *Brougham* said, that having three years ago assented to the grant of 6,000*l.* a year to his royal highness, he now felt himself bound to affirm it. What he rose chiefly for was to correct a mistake that had crept into the present debate, by which it seemed to be admitted that the grant of 2,500*l.* was given to make up the deficiency in the income of his royal highness, it being below that of the other branches of the royal family. But it should be recollected that the duke of Sussex was in the same situation. He had no situation, naval or military. He felt it but justice to the duke of Sussex to state this, for he was certain that his royal highness would be the last man who would come down to that House for any increase of his income. The grant now proposed for the duke of Clarence he would consent to; but he could not consent to pay the arrears.

Mr. *Hume* then withdrew his amendment for reducing the grant to 3,500*l.*, for the purpose of allowing Mr. Harbord's

amendment to be put. Upon that amendment the committee divided: For the Amendment, 43. For the original resolution, 119.

List of the Minority.

Baring, sir T.	King, sir J. D.
Bennet, hon. H. G.	Lester, B. L.
Benet, J.	Martin, J.
Bernal, R.	Milton, lord
Birch, R.	Newman, R. W.
Bright, H.	Nugent, lord
Brougham, H.	Palmer, C. F.
Bury, lord	Parnell, sir H.
Chaloner, R.	Portman, T. B.
Denman, T.	Powlett, hon. E.
Dundas, hon. T.	Rice, S.
Evans, T.	Robarts, A. W.
Fane, J.	Robinson, sir G.
Farrand, R.	Rumbold, R.
Forbes, C.	Smith, W.
Fleming, J.	Smith, J.
Gipps, G.	Tennyson, C.
Gordon, R.	Webb, col.
Grattan, J.	Williams, W.
Gaskell, B.	TELLER.
Harbord, hon. E.	Hume, Joseph
Hobhouse, J. C.	

HOUSE OF COMMONS.

Wednesday, June 13.

MISCELLANEOUS ESTIMATES.] The House having gone into a committee of supply, to which the Miscellaneous Estimates were referred, Mr. Arbuthnot moved, "That 69,415*l.* be granted to make good the deficiencies of the Fee Funds in the departments of the Treasury, three Secretaries of State, and Privy Council,"

Mr. *Hume* observed, that it would be much more intelligible if, instead of the balance, the whole expense of the departments in question were stated, and stated separately. The expense of those departments had considerably increased within a few years. In 1796 the whole expense of the Treasury establishment was 26,943*l.*, at present it was 68,854*l.*, being thrice the former amount. Now the question was, whether triple the former establishment was requisite? A great increase had taken place in the salaries of the leading clerks. Mr. Harrison, the assistant secretary, had been put on the footing of a secretary, receiving a salary of 3,500*l.*, besides 300*l.* for examining certain accounts. Mr. Harrison was a most deserving individual; but was not 3,800*l.* an enormous salary? Each of the three principal clerks had 1,500*l.* and there were others at 1,400*l.* at 1,100*l.* at 600*l.* &c. The expense of the establishment ought to be made to approximate more nearly to that of 1796. He objected also to the item of 565*l.* for retired allowances and superannuations. It was most objectionable to allow such items to be among the efficient estimates. The expense of the departments of the three secretaries of state was in 1796 only 25,488*l.*; at present it was 58,153*l.* In the Home-office there was a very large increase. In the Foreign-office, among others, there was one remarkable item, viz. a pension of 1,000*l.* to Mr. R. Ward and Mrs. Ward, to make up to him, as clerk of the Ordnance, the salary to which he would have been entitled as under secretary of the Treasury. As clerk of the Ordnance, Mr. Ward received a salary of 1,443*l.* He received therefore together the sum of 2,443*l.* He did not know whether at the time Mr. Ward quitted the Treasury, the salary of the under secretary was 1,500*l.* or 2,000*l.* If the former Mr. Ward was now overpaid by 643*l.*; if the latter, by 143*l.* With respect to the Colonial department, considering it as he did of the highest importance to the country, he did not think that the sum which it cost was too large. Adverting to the item for the expense of messengers and couriers, namely, 27,500*l.* he observed, that he had heard a report which he trusted was not true, namely, that when any member of government went abroad, or wanted to come home from abroad, a dispatch was given to him, which entitled him to the expense of his journey. As to the Board of trade, he thought the money expended upon it well laid out, and eulogised the conduct of the president of that institution.

Mr. *Arbuthnot* could see no objection to a separate statement of the expense of each department. The vote was in its present form, because the fee fund paid the expenses of the departments in question as far as it went, and it was only for the deficiency that application was made to parliament. He would say a few words on the salaries of the secretaries of the Treasury and the clerks. By the finance reports of 1797, it appeared, that in the last year of the American war, the emoluments of the secretaries of the Treasury were 5,000*l.* being 1,000*l.* more than at present. In 1782, the secretaries of the Treasury had a fixed salary of 3,000*l.* with certain allowances. In 1800, the salary had been fixed at 4,000*l.* taking away all other allowances. It was not for him to

say whether or not this was too large a sum, but he might be permitted to observe, that in this particular case the public saved 2,000*l.* a year by his appointment, as he was entitled to a pension of that amount, in consequence of his having been formerly employed in a diplomatic capacity. With respect to Mr. Harrison, he begged leave to observe that that gentleman had been originally appointed by Mr. Pitt; that he had been highly esteemed by lord Grenville; that he had also been highly esteemed and his services rewarded by Mr. Percival; and he could with confidence appeal to his friends near him, whether they did not find Mr. Harrison's services invaluable. He was sorry to add, that Mr. Harrison's health was so completely broken down, that it was not likely the public would long enjoy the benefit of his talents and experience. When that should be the case, it was certainly intended to bring the salary of the assistant secretary back to its original amount. Indeed, the whole of the salaries of the Treasury department were under revision. He must observe that the business of that department had materially increased since 1796. The only way in which that could be proved was by comparing the number of papers registered in the Treasury. In 1797, the number was about 4,500; in 1819, it exceeded 20,000; and at the present period the number was above 18,000.

Sir *E. Knatchbull* adverted to the great difference in the value of money at the present period, and at the period when the salaries of the public officers in the Treasury were fixed. He wished to know whether that consideration entered into the plan of revision which the hon. gentleman had alluded to.

The *Chancellor of the Exchequer* replied, that though the circumstance adverted to was of great importance, yet that any intention of making a change in the salaries, in consequence of the change in the value of money, ought to be preceded by a considerable notice. The object in which the Treasury were now engaged was, in considering how the business of the public departments might be best conducted with a view to simplification and economy.

The resolution was agreed to. On the resolution, "That 21,000*l.* be granted for Printing Acts of Parliament, Reports, Evidence, &c."

Mr. *Arbuthnot* observed, that the expense of this item had become enormous, and that it was his intention in the next session to move for the appointment of a committee to consider of the best means of reducing it.

Mr. *Hume* was satisfied that no department was more open to reduction than that of parliamentary printing, as well as stationery. Early in the next session he meant to show, from incontrovertible evidence, that the charge of stationery was absolutely usurious. Both the printing and the stationery expenses might be easily reduced at least 50 per cent. The printing of the 58th volume of their Journals cost the country 3,946*l.* The ordinary charge for printing it would be 2,550*l.* including all the considerations of trade profit, charge for credit, &c. Now, by a plan which he had seen for printing the votes, journals, returns, and in short every paper, with a despatch and facility equal to what they were got up with at present, the cost would be less by one-half; and by the same system, the charges for printing this volume in question would be about 1,250*l.*, or at the utmost 1,500*l.*

The resolution was agreed to.

HOUSE OF LORDS.

Thursday, June 14.

BISHOP OF PETERBOROUGH'S EXAMINATION QUESTIONS.] Lord *King* rose to call the attention of the House to a case in which the rights of the rectors of the church of England were directly involved, and which also affected the rights of the great body of the clergy. He held in his hand the petition of the rev. Henry William Neville, rector of Blatherwick, a gentleman who had had recourse to this mode of seeking redress with great reluctance, and who would not have brought his complaint before their lordships if he could have obtained redress in any other manner. The petitioner held two livings in the diocese of Peterborough, to one of which it was necessary he should present a curate. The rev. John Green was accordingly presented. He came forward with proper testimonials of character and ability. He had already signed the 39 articles, and was ready to be examined and to subscribe them again. This, however, was not sufficient to satisfy the right rev. prelate opposite (the bishop of Peterborough), who insisted upon answers to 87 questions previously framed and printed, and on refusal to answer them, signified his

determination to exclude the applicant from the curacy. This determination the petitioner remonstrated against; but the reverend prelate peremptorily refused to relinquish his demand. He then appealed to the archbishop of Canterbury, to whom he wrote on the 19th of June, but received no answer until the 7th of August, having in the interval written a second time to request a prompt decision. The archbishop, in his letter, after apologizing for the delay in replying, by stating that he had been more than usually occupied, observed that there was no doubt of the right of examination belonging to the bishop of the diocese, and that that right was so obvious, that he supposed the applicant must have since complied with what the bishop required of him. This, he (lord King) observed, was by no means a proper answer, as no grounds for the opinion given were stated. As the right rev. prelate acted as a judge, it certainly would have been more satisfactory had he stated the reason on which his decision was founded. It was contended, he knew, that the bishop of the diocese possessed a complete discretionary power. It might be so; for he confessed that he did not well understand the canon law on the subject, and could only reason from analogy. He was told that it was very difficult to ascertain what the limits of the ecclesiastical powers were; but with regard to the question of examination, he must suppose that a right rev. prelate, in giving judgment on it, must consider himself to be deciding in the character of a judge. He must be bound by some rules and principles, otherwise the decision was arbitrary. If a judge in Westminster-hall committed error, or was guilty of abuse, his conduct could be brought under the consideration of that House by a writ of error; and surely there must be some remedy in the case of misconduct by an episcopal judge. He thought that the power of examination was very properly given to the reverend bench opposite, with the view of ascertaining the qualification of the persons who were candidates for holy orders, or for institution; but the 87 questions of the right rev. prelate opposite, which were printed, sent by post, and answers desired to be returned in the same manner, could have no reference to ability; they were a test and nothing else. The noble lord read some of the questions, and argued that from their leading nature it was impossible to regard them as any thing else than a test; and if the right rev. prelate meant them as a test, his objection then was, that the law had provided a much better one, and that neither the right rev. prelate nor the whole of the rev. bench opposite, had any right to impose another. The 39 articles were intended by the law to draw a line, to a certain extent, about the church, and no other authority was entitled to alter that boundary. This was creating quite a new power. The existing law said to candidates, "You shall not enter the church unless you subscribe the 39 articles;" but in addition to this, the right rev. prelate said, unless you take another test of my framing, I will not institute you." The answer which the right rev. prelate had given to the petitioner's letter admitted that he had established a new standard for himself; for in it he observed, that with a knowledge of his standard, the government had appointed him to one bishoprick and translated him to another. As this was the case, he should be glad to know whether the 87 questions of the right rev. prelate had been adopted as a test by ministry or not. But why bring forward this argument of the new standard having been adopted by the right rev. prelate's patrons? If he had had any convincing argument, it would have been better to have used it, than to have overwhelmed the unfortunate petitioner with the opinion of his patrons. This was telling him that the most powerful persons in the country, and those who might have ultimately to decide on his case, were secured against him. He was informed that he might seek what remedy he pleased: but it was made known to him beforehand, that his application would be of no avail. This new standard might most seriously affect the prospects in life of persons educated for the church, with a view to settling within a particular diocese. He had heard this new standard of doctrine described as cobwebs for catching Calvinists, and that it could give pain to nobody but Calvinists. The comparison did not appear perfectly correct; for flies sometimes escaped from a spider even after being entangled in his toils, but with this cobweb the unfortunate Calvinist must unavoidably fall under the fangs of his powerful antagonist. He regretted that such a practice had been adopted, for nothing was more likely to create a schism in the church. Another prelate might

choose to put a different construction on the 39 articles from that given to them by the right rev. prelate opposite; and thus a spirit of dissension would be excited. It was therefore most important that the 39 articles, which might justly be called articles of peace, should be the only standard of doctrine. He referred their lordships to the history of the 39 articles, and observed, that there was reason to believe that they had been drawn up in a Calvinistic sense. Upon the whole, he thought that a prelate of the church of England might be content with the articles of religion as they had been drawn up by the reformers of the church. But the conduct of the right rev. prelate was not only calculated to disturb the peace of the church, but that of a great part of the community. He had not only framed these 87 questions for clergymen, but had addressed a set of questions, of a very extraordinary nature, to the churchwardens of his diocese. Among other things it was asked, "Does your minister lead a sober and exemplary life?" This might be put to a farmer not much inclined to speak well of the clergyman of the parish, or the answer might depend upon the churchwarden's notions on the subject of evangelical doctrine. There were also questions put as to adulterers and fornicators, and whether there were common swearers in the parish. This was a most extraordinary kind of inquiry. Evil-speaking, lying, and slandering were condemned by Scripture; but here the churchwardens of a whole diocese were invited to speak all the ill they could of their neighbours. The putting of such questions might, for aught he know, be very legal; but what he complained of was the imprudence of circulating them. The invitation to men to pry into and condemn the conduct of their neighbours could not fail to give excitement to bad passions. When there was a general outcry of danger to religion and the church, he should have expected that every one would have seen the impropriety of such a proceeding; and certainly he never could have supposed that the right rev. prelate, who he was told was the greatest polemical writer of the age, would have been guilty of the imprudence of endeavouring to force on the clergy of the country a new standard of doctrine.

The Bishop of *Peterborough** said:—

My lords; As the petitioner has already excited a prejudice in his favour by printing his case for distribution more than two months ago, I have the stronger claim on your lordships for a patient hearing, while I am pleading my cause in your lordships' House. From the recital of the petition, it appears, that in the summer of 1820, the petitioner, as rector of Blatherwick, in the county of Northampton, nominated a person to that curacy, who consequently applied for my licence; that the licence was refused him, because he refused to be examined, as required by the 48th canon; that the petitioner then appealed to the archbishop, who decided for the right of examination, which had been contested, first by the petitioner's intended curate, and then by the petitioner himself. Here the petitioner stops short in his recital. But your lordships should be informed of what was done, on the receipt of his grace's answer. The petitioner nominated another person to the curacy of Blatherwick, this second nomination bearing date the 20th of Sept., 1820. The person then nominated submitted without hesitation to the examination required, which, as I expected from his readiness to be examined, proved very satisfactory. And as the testimony to his moral character was no less satisfactory, than the proof which he had given of his sound doctrine, he was licensed to the curacy of Blatherwick. He is still the licensed curate there; I have never heard any complaint of him; and I have reason to believe, that the parishioners have no desire to change him. Your lordships therefore may judge of my surprise, when on the 29th of March, 1821, more than six months after the last nomination, I received a letter from the petitioner, informing me, that he intended to bring my refusal to license his first nominated curate by petition before the legislature. But from a comparison of this petition with the letters which the petitioner wrote to the archbishop, and which he himself has printed, I now perceive that the object, for which he then contended, is at present entirely abandoned. The right of examination for a curate's licence, which he then contested, is now unequivocally admitted. He says in this petition, that a bishop's right to examine a curate, which had been the subject of a former correspondence, "is not intended to be denied." He now objects only to the mode of examination, or, as he calls it

* Dr. Herbert Marsh. From the original edition printed for Rivingtons.

in his petition, "the nature of that peculiar mode." Now, my lords, my mode of examination is a very common mode; an examination by question and answer. I propose certain questions, as well to curates, as to candidates for holy orders, that from the answers to those questions, I may learn the religious opinions of the former before I license them; and the religious opinions of the latter, before I ordain them. And, my lords, it is very necessary that a bishop should obtain this knowledge. But then the questions—the questions, which I employ for this purpose, whether they are too searching for those who dislike them, or whatever else may be the cause, are questions, which, according to the petitioner, ought not to be endured. He prays your lordships to take them into your "grave consideration," and to afford such relief to those who are affected by them, as to your lordships' wisdom may seem good.

The case therefore now submitted to your lordships is a case of pure theology. For the questions, which the petitioner submits to your grave consideration, relate entirely to the doctrines contained in the Liturgy and Articles. Now, my lords, an inquiry into subjects of this description, is an inquiry, which I believe your lordships' House has never instituted on any former occasion. The Liturgy and Articles derive indeed their authority, as standards of faith, from acts of parliament, which require subscription to them. But if it were deemed expedient to revise the Liturgy and Articles, the revision would be referred either to the convocation, or to commissioners specially appointed by the Crown. For an inquiry into the truth or falsehood of religious doctrines is not the proper business of either House of Parliament; though it would be presumptuous to say, what they shall, or shall not do. Let us suppose then, that the said theological inquiry were instituted in your lordships' House, and let us farther suppose, that the inquiry ended in this result, that it would be very desirable to make an alteration in regard to the said questions, I apprehend, my lords, even in this case, that your lordships' House could not, consistently with the constitution of the Established Church, interfere for the purpose of correcting them; and if not for the purpose of correcting them, much less for the entire removal of them. My lords, I will state the grounds of this opinion. The 48th canon, which requires an examination of curates before they are licensed, has prescribed no mode of examination whatever. It has left therefore the mode of examination to the discretion of the bishop: and, my lords, it has wisely done so. For in every diocese, the bishop is most likely to be acquainted with the peculiar wants of his diocese; most likely to understand, and best able to judge of irregularities either in doctrine or in discipline, to which his diocese may be exposed; best able therefore to determine what kind of examinations will most effectually check them. The examination required for a curate's licence, is required for the purpose of ascertaining, whether his doctrine is "sound doctrine;" the expression used in a curate's licence. Now the mode of examination, which is best adapted to such a purpose, is unquestionably that, which is best calculated to detect deviations from sound doctrine. And this is the object of my examination questions. These questions, my lords, are well adapted to the present wants of my diocese: they operate as a check on some partially prevailing irregularities: and in the use of these questions I exercise, I believe very usefully exercise, the discretion entrusted to me by the 48th canon. But let us suppose, for the sake of argument, that these questions are objectionable. My lords, I make this supposition merely for the sake of argument. For the very same questions, which I now use, I have used almost ever since I have been a bishop: and though they have been well considered by very sound divines, I have never heard any objection to them, till a clamour was excited against them about ten months ago, by a few persons in the diocese of Peterborough. But even on the supposition, that they are objectionable (which however I confidently deny), I again ask your lordships, whether it would be consistent with the constitution of the Established Church to grant the prayer of this petition. The canons are laws for the bishops and clergy, which having passed the two Houses of Convocation, were ratified by the royal assent. If therefore the 48th canon shall be so altered, as to remove the discretionary power which it now leaves to the bishops, the alteration must be made by the same authority, which made the canon itself. And surely, my lords, as long as that canon remains in force, you will not

endeavour to deprive a bishop of that discretionary power, which he exercises by virtue of that canon. But, my lords, the prayer of this petition is not confined to examinations for a curate's licence. It goes much farther. The petitioner prays also the interference of your lordships in the examination of candidates for holy orders. The words "candidates for holy orders" are the words, with which the prayer of this petition is concluded. Now, my lords, I believe that since the Church has existed, no temporal authority, either before or since the Reformation, has ever interfered with the bishops of this country, as to their mode of examination for holy orders. Since then I have already shown, that, consistently with the constitution of the Established Church, your lordships could not interfere even with an examination for a curate's licence, it follows *à fortiori* that the prayer of the petition cannot be granted, as it equally affects the examinations for holy orders. I can come therefore to no other conclusion, than that this petition ought not to be received, let the allegations of it be what they may. But if it be thought unfair to dispose of a petition without any regard to its allegations, I am ready, my lords, to put the issue of it on the allegations alone. These allegations are directed against my examination questions; and as those questions are perhaps not generally known to your lordships, I beg permission to say a few words on the nature and use of them. I have already observed, that they are proposed, as well to curates, as to candidates for holy orders, that from the answers to those questions, I may learn the religious opinions of the former before I license them, and the religious opinions of the latter, before I ordain them. The questions are constructed on the following plan. They are arranged under nine heads or chapters, most of which have the same titles, with the articles of faith, to which the chapters correspond. With the exception of the eighth chapter, which refers to the Collect for Christmas Day, they relate as well to the Articles as to the Liturgy. Every chapter, without exception, contains an express reference, either to the Liturgy or to the Articles. Nor do the questions themselves relate to any other doctrines, than the doctrines of the Liturgy and the Articles. My lords, under such circumstances there is only one possible motive, which I can have in the proposal of these questions, namely, to ascertain from the answers to them, whether the religious opinions of the person examined accord with the doctrines of the Established Church. But even if the thing did not speak for itself, no doubt ought to be entertained, after the explanation which I have repeatedly given, unless I must lose the privilege which is claimed by all men, the privilege of explaining my own meaning. Nor can the petitioner pretend, that the explanation, which I have given, has never come to his own knowledge. He has printed the explanation. I gave it in a letter written to the person, whose refusal to be examined gave rise to the petitioner's complaint, and which the petitioner himself has printed in a pamphlet, intituled "Official Correspondence." At page 5 is the following passage, relating to the standard of doctrine set forth by the authority of the Church. "I sent you a set of questions, to which I required your answers, that I might learn from those answers, whether you kept to that standard, or not; and with the intent of granting you a licence, if you did keep to that standard, but with the intent of refusing a licence, if you did not keep to that standard." Since then the petitioner has printed this explanation, he must know the use and intent of these examination questions. He must know that they refer to the standard set forth by the authority of the Church; and that the answers to them are tried by that standard alone. Yet the petitioner, with this knowledge of my real purpose, has ventured to assure your lordships, that I have set up a "new standard," a "private standard," an "arbitrary standard;" and that in consequence of this new, this private, this arbitrary standard, the Liturgy, Articles, and Homilies are superseded. That I may not misrepresent his meaning by taking words out of their connexion, I will quote the whole of the sentence to which I allude. "Hence it is, that the legal securities for sound doctrine, which refer not to any private standard, but to the Liturgy, Articles, and Homilies, are superseded." If therefore I have set up a new, or a private standard, by which the legal securities for sound doctrine are superseded, and those legal securities for sound doctrine consist in the Liturgy, Articles, and Homilies, I must have introduced a new standard, by which the old standard is superseded. Nor is this the whole of the mischief, which,

according to the petitioner, arises from these questions. I have not only introduced a new standard, a private standard, an arbitrary standard, but a standard to which I require subscription. His own words are "the acknowledgment of this new standard is the hinge, on which alone the curate's acceptance or rejection is made to turn:" and he adds, that "subscription to the entire document must be made." Such, my lords, are the allegations on which the prayer of this petition is founded. And if they contained one particle of truth, it would be the duty, not of your lordships, but of the convocation to interfere. It would be the duty of the convocation to compel a bishop, who could be so regardless of his most solemn obligations, to return to the standard, which he had thus disgracefully forsaken. But, my lords, I have not forsaken the standard of the Established Church. My offence consists in my unwearied endeavours to prevent its being forsaken. Those endeavours have been successful: or your lordships would never have heard of this petition. But, my lords, I must not merely deny the charges: I must confute them. And first, my lords, I will reply to the charge of requiring subscription, "subscription" (as the petitioner says) "to the entire document," which document, as he further says, contains a new standard of faith. Now the document, as he calls it, consists of a string of questions; and subscription to questions would be so absurd, that no man in his sober senses could require it. The name of the person examined can be affixed only to his answers. If therefore the signing of his name to his own answers is a subscription to a new standard of faith, it is at the utmost only a subscription to his own standard of faith. But, my lords, the signature to those answers is required for a very different, a very obvious, and a very common purpose. It is required merely as an acknowledgment on the part of the person examined, that the answers, which are sent to me, are really his answers. And this signature, which neither is, nor can be, required for any other purpose, than merely to authenticate the answers, is represented by the petitioner, as subscription to a document setting forth a new standard of faith. Really, my lords, I could not have supposed, that so gross a perversion of the truth could ever have found its way into a petition to the House of Lords.

I will now consider what proof the petitioner can bring, that my standard of doctrine really is a new, a private, and an arbitrary standard. He bestows indeed these titles, and very liberally bestows them, on my examination questions: but the calling of a thing either by this or by that name does not determine its real character, unless it be rightly so called. And, my lords, I am really at a loss to comprehend, how a string of questions can be considered as a standard at all. They afford indeed a test of doctrine, inasmuch as the answers to them are tried, but tried by no other standard, than the standard set forth by the authority of the Church. It is such a perversion of terms to give the name of standard to mere questions, that the charge preferred by the petitioner, if it can be established at all, can be established only by a consideration of the answers. Even if the questions lead to the answers, nay, my lords, if it be true that the questions imply the answers, it will still be the answers, and not the questions, which must be made the subjects of trial. After all then the matter at issue comes simply to this. Do I try the answers to my questions by the old and established standard, the Liturgy and Articles: or do I try them by some new, some private, some arbitrary standard? My lords, if no credit is to be given to my own solemn declaration, that I acknowledge no other standard of faith, than the standard of the Established Church, a standard which I acknowledge, because it accords with Holy Scripture; and if that solemn declaration derives no support from the express references to the Liturgy and Articles, contained in every chapter, under which those questions are arranged, it was incumbent on the petitioner to produce some example, in which the answers to my questions really had been tried by some new, some private, some arbitrary standard. If such examples exist, they are very easily found. My examination questions are not answered in a corner. I do not give them to be answered in my presence, and then pocket the paper, without giving the person examined an opportunity of making a transcript. No, my lords, the questions are always sent to the persons to be examined, who give the answers at their leisure. If, on the receipt of the answers, I find any, which are at variance with the doctrines of the

Church, I never reject without previous remonstrance. I show in what manner the answer differs from the doctrine of the Liturgy and Articles: I have sometimes succeeded in recalling persons to the standard, which they had unadvisedly forsaken: and those only have been finally rejected, who have persevered in answers, which were irreconcileable with the doctrines of the Church, as explained in its Liturgy and Articles, according to their literal and grammatical meaning. My conduct therefore towards the persons examined has always been so open and undisguised, that if the charge preferred by the petitioner were true, a proof of it might easily be given. No proof has been given, and under such circumstances the absence of proof shows the impossibility of proof. I will not retort on the petitioner and say, that by his endeavours to excite suspicion as to my standard of doctrine, he has only excited suspicion in regard to his own: but this, my lords, I will confidently say, that I have never in a single instance departed from the standard of the Established Church. And if I have never employed any other standard, than that which is set forth by the authority of the Church, the remaining charge, that I have set up a standard which supersedes the Liturgy and Articles falls of itself to the ground. My lords, I have now shown, that the three principal allegations, the allegations on which the prayer of the petition depends, namely, that I employ a new standard of faith, that I require subscription to this new standard of faith, and that this new standard supersedes the Liturgy and Articles, are allegations utterly devoid of truth.

Having now refuted the chief allegations of this petition, the allegations on which the prayer of it depends, I will not detain your lordships with many observations on those which are of minor importance. But, as the petitioner lays some stress on the interpretation of the Liturgy and Articles, which in the present age are by different persons very differently explained, and very differently applied, it is necessary that I should take some notice of his objections. When I interpret the Liturgy and Articles, the petitioner observes, that such interpretation is the result only of private opinion; and that private opinions, though the opinions of a bishop, are not "authoritative," the term used in his petition. Now, my lords, it is perfectly true, that whether the rector of Blatherwick, or the bishop of the diocese, interprets the Liturgy and Articles, their interpretations are equally excluded from the claim to be authoritative. But does the petitioner therefore imagine, that there are no rules of interpretation, which ought to be observed? Does he suppose it to be a matter of indifference, whether the Liturgy and Articles are explained according to the plain, literal, and grammatical meaning of the words, or whether meanings are ascribed to the words, which they were never intended to convey. My lords, my rules of interpretation are well-known to the public from my Lectures on Interpretation. And the principles maintained in those Lectures must afford convincing proof, that no one who is examined by my questions, can have any thing to apprehend from his answers to them, unless he himself departs from the just rules of interpretation, and ascribes meanings to words, which they were never intended to bear. But if the petitioner, by his objections to private interpretation, would exclude examination in the Liturgy and Articles; if he means, that bishops should be satisfied with subscription to the Liturgy and Articles, and never venture to ask any questions about the meaning of them, he argues in opposition to the right, which he had previously admitted. He forgets also, that the canons require both subscription and examination. And, my lords, if candidates for holy orders are not examined, and closely examined, as to their religious opinions, if amidst the prevailing irregularity of doctrine, subscription to the Liturgy and Articles is made the sole criterion, by which a bishop shall judge of sound doctrine, a similar, though not the same effect, will be produced in this country, which has been already produced in some parts of Switzerland, where there are clergy, who subscribe to the creed of Calvin, and preach the doctrines of Socinus.

My lords, I can find nothing else in this petition that merits the least attention. For as to the comparison of my Examination Questions with the Lambeth Articles, to which they have no resemblance either in matter, or in manner; or as to the irrelevant epithets of "uncanonical" and "unconstitutional," which the petitioner bestows on these questions; or as to the complaint, that they are useless, as a test of ability, when they are intended as a test of doctrine, and form only a preliminary exami-

nation for holy orders; or that they are connected questions, as if they had better be desultory; or that they are put in such a manner as to indicate my own opinion, as if it were a hardship on candidates for holy orders to know what answers were likely to be approved, they are either frivolous in themselves, or have no bearing on the prayer of the petition. But as this prayer is concluded in so solemn a manner, as might induce your lordships to conclude, that by the granting of this prayer, the whole body of clergy in my diocese, as well as candidates for holy orders, would be relieved from a grievous burden, I will briefly state to your lordships the amount of the evil (if it be an evil), which has been hitherto produced by these questions. During the whole time that I have used these questions, the number of persons, who have been refused ordination in consequence of their answers to them, amounts to one. The number of curates, who have been refused a licence in consequence of their answers to these questions, amounts to one also. The number of curates, who have been refused a licence, because they refused to answer at all, amounts to two; namely, the intended curate of Blatherwick, and a person who came into my diocese about the same time, for the purpose of becoming curate of Burton Latimer. But as the right of examination, which these two persons contested, is now acknowledged by the petitioner himself, the refusal to license them can no longer be considered as a grievance. There remains then one curate and one candidate for orders. And this is the mighty grievance for which the House of Lords is to be set in motion. It is true that these questions may, in one respect, have tended to the exclusion of more. They may have prevented applications, as well for ordination, as for licences; because wherever an irregularity of doctrine exists, these questions seldom fail to detect it. But herein lies their utility; a utility, which is proved by the very clamour, that has been raised against them. For though they are disliked by the petitioner, and by others who think like himself, I can confidently assert, that they are approved by the great body of my clergy; approved, my lords, because they are a check on fanaticism, from which the church, in this country, has more to apprehend, than from any danger, that now besets it. My lords, I will conclude by adverting to the two principal points, on which I have shown, that the fate of this petition must rest. I have shown in the first place, that the prayer of it could not be granted by your lordships, consistently with the constitution of the Established Church, whatever were the allegations on which it were founded. And I have shown in the second place, that even if the issue of it be put on the allegations, the allegations, on which the prayer of the petition entirely depends, are entirely destitute of truth. And now, my lords, having said what was necessary for my own defence, I leave it to your lordships to determine, whether the petition shall be received, or not.

The Archbishop of *Canterbury* stated, that the application made by the petitioner to him, was not in the form of an appeal, but merely a letter inquiring whether the bishop could be justified in the conduct he pursued or not? Some unavoidable delay had taken place in giving an answer; and when given, the answer was, that the 48th canon empowered and directed the bishop to examine all applicants for admission into his diocese.

Lord *Calthorpe* respected the character and talents of the right rev. prelate; but was of opinion, that the conduct he had pursued was calculated to disturb the peace of the Church, and to endanger the ascendancy of the Protestant Establishment, by the revival of controversial points.

The Earl of *Harrowby* did not see any practical object which could be gained by the reception of the present petition. It was inconsistent with the charity of Christians to suppose that the church intended to exclude Calvinists; but he did not see how parliament could now be appealed to.

Earl *Grey* thought their lordships had the power of applying a remedy in a case of this kind, and that redress could sometimes be obtained from no other quarter. The mode of examination adopted by the right rev. prelate appeared to him to be extremely dangerous to the peace of the Church.

The Marquis of *Lansdown* admitted the expediency of empowering the right reverend bench to examine persons applying for admission in their dioceses. But though he admitted the right, he must say it might be abused, and for the purpose of asserting the right of the House to interfere, he would vote in favour of the motion, that the Petition be laid upon the table.

The motion was then put, and negatived.

HOUSE OF COMMONS.

Thursday, June 14.

CONSTITUTIONAL ASSOCIATION—PETITION OF EDWARD KING.] Mr. *Hobhouse* said, that he had been intrusted with a petition from an individual who considered himself aggrieved by the Association of which the House had recently heard so much. It was from a person of the name of King, against whom an indictment had been preferred by this Constitutional Association, supported before the grand jury by the evidence of only one witness, Horatio Orton. Indignant at the attempt that had thus been made to render him amenable to the laws, when the indictment was thrown out, Mr. King published his case in the newspapers. This step had induced Mr. Orton to make an affidavit, which the petitioner asserted contained direct falsehoods. He did not know that in a legal point of view, the offence was of that extent; but assuredly in a moral sense Orton had been guilty, if the petitioner were believed, of the crime of perjury. It was said that Orton had inquired of King who was the publisher of the pamphlet on which the prosecution was founded, when he must have known at the time that it was Dolby, because an indictment was preferred against Dolby on the 17th May, and his name as the publisher was on the back of the first part of the work, bought by Orton on 16th May. It seemed quite clear that some person or persons had suborned Orton to what appeared to the petitioner very like perjury. One point was undeniable, viz. that King had committed no crime whatever. When it was inquired for, he had not the objectionable publication in his possession. This was on the 16th of May; consequently, the individual sent out by the Association endeavoured to entrap an innocent man into the commission of a crime. The object of the petitioner was, that some means might be devised by which he should be able to get at the real names of the committee which induced Orton to go to the shop of Mr. King. The case was one of a most atrocious nature; it was an attempt to ruin an industrious man by bringing him into a court of justice for a work of which he was not only not the publisher, but which he had not even in his shop. The individuals forming this association seemed resolved to make crimes if they could not find them ready made to their hands. The Society for the Suppression of Vice had stated, that the prosecution of Davidson cost it 177*l*. If, then, a prosecution cost a whole body of men so much, what must a defence cost an individual? How were these small traders, selected as victims, to find funds to resist this powerful Association? Prosecutions might be suspended over the heads of innocent men to eternity. In crown prosecutions copies of the indictment or information were to be given to the party accused; but in proceedings instituted by this body, such copies might cost the person charged from 10*l*. to 20*l*. This was a state of things not to be endured. As to the legality of the society, the solicitor-general had said that the judges of the King's bench had declared that the Association was legal. That was not the fact: the point of legality never came before the court, and the judges had said nothing about it. It had been said, that as a society to prosecute felons was legal, this Association must be so: but the distinction was clear. When a felon was committed, there was a *corpus delicti*: a criminal act had been done; and the question was, who had done it: but in a case of libel there was no *corpus delicti*; and it was a question for the jury to decide, whether any offence at all had been committed. Whatever doubts, however, might exist as to the legality of the Association, there could be but one opinion as to its tendency. If its object had been fair and honest, it would have prosecuted Dolby the publisher at once, and not have sent its agent three or four times to the shop of the petitioner. The effect of the Association would unquestionably be, to foment and extend political animosities.

The petition was read, and ordered to be printed.

SCOTCH BURGHS.] Lord *A. Hamilton*, on presenting the Report of the Committee on the state of the Scotch Burghs, which he was called upon to do as the chairman of that committee, took occasion to observe, that he dissented from the Report, and disapproved of the conduct of the committee, because they had not sufficiently investigated the subject. It was due to himself, as well as to other members of the committee who concurred with him in sentiment, to make this declaration. This Report was drawn up by others in his unavoidable absence from town, although upon his departure he promised to have a report prepared. He found fault, indeed, not so much with what the committee had done as with what

it omitted to do; but to shew the imperfection of the inquiry which had been gone into, he would move, if there were no objection, for the production of the Minutes of Evidence.

Lord *Binning* said, he had no objection to the production of the Minutes. As to the Report, it was drawn up in the noble lord's absence, no doubt; but, from the long sitting of the committee, his return could not conveniently be waited for. The committee did not think it necessary to go into the extent of investigation required by the noble lord; but in the report now presented, suggestions were contained, which, if acted upon, would, he had no doubt, remedy all the evils complained of by the petitioners.

Mr. *Abercromby* concurred in what had fallen from lord A. Hamilton, and contended, that the usual courtesy of a committee towards its chairman had been violated.

Sir. *R. Fergusson* said, that, having withdrawn from the committee, he felt it his duty to state the reason which had induced him to do so. The House would recollect that a committee had sat in 1819, to consider the state of the Scotch burghs. Ministers, who wished to keep abuses from the public eye, found that committee about to do rather too much; and when, in 1820, the same subject was again brought forward, they declined renewing the committee of 1819, and substituted one chiefly composed of their own official friends. He did not mean to say that the gentlemen so appointed had not acted conscientiously; but he must say that he found them on all occasions the protectors of abuses.

Mr. *K. Douglas* denied that the committee had failed to discharge their duty. If the measures they recommended were carried into effect, every practical inconvenience would, he was satisfied, be removed.

Mr. *Hume* said, that the complaint of his noble friend, that he had not been treated with common courtesy, was well-founded. The eight allegations contained in the complaint of the petitioners had all been affirmed, yet they were all lightly treated by the committee. After the labours of three years, no practical benefit would result from them, because a majority of the committee had set themselves against every attempt at amelioration.

The report was ordered to be printed.

AGRICULTURAL HORSE TAX.] Mr. *Curwen*, in rising to call the attention of the House to this important subject, said, that the object which he had in view was one most material to the interests of Agriculture. The tax had always been unjust in principle, and oppressive in practice. Formerly, he had felt it to be his duty to propose some substitute to supply the deficiency which the repeal of the tax in question would occasion in the revenue. But things were now in a different state. The right hon. gentleman had since had abundant opportunities of obviating the evil. Not only must the right hon. gentleman have been aware of the extent of the existing agricultural distress, but he must have well known what had passed in the committee appointed to investigate the causes of that agricultural distress which every one acknowledged to be unprecedented in extent. The result of the inquiries of that committee had been, that although there existed a variety of opinions in it on other parts of the subject, on that of the agricultural distress, and of the necessity of affording speedy relief to that distress, the committee came to an unanimous resolution, that the distress of the country was fully proved. With such a resolution, what would be the impression on the country if it should turn out that parliament throughout the whole session had abstained from taking a single earthly step to afford the relief acknowledged to be indispensable. To the vote of that night, therefore, the country would look, that they might estimate what they might expect from parliament; for, it was evident, that if the report of the committee were to be made in the present session, it was too late to found any measure upon it. He put it, therefore, to the House, what answer they would make to their constituents, if they were asked why they did not adopt the proposition which he was about to submit to them? Would it be becoming in them to say, that because they found they could not give all, they therefore refused to give any thing? It was with him a matter of no doubt, that there never could be any prosperity in this country, while agriculture remained in a distressed state. The chancellor of the exchequer had, during the last two months, been repeatedly intreated to reconsider his estimates. He (Mr. C.) was persuaded that if the session were now to recommence, the majority would declare hat those estimates ought to be reduced.

Government ought not to have trusted to any committees; but, taking a view of the state of the country, should have made those retrenchments which would have enabled the House to sacrifice to the agriculturists this boon. In the course of the discussions in the committee, a resolution was agreed to, to instruct the chairman to move for the repeal of this tax; though, subsequently, it was decided not to do so until the report was made. This circumstance had occasioned the delay in his motion. He confidently anticipated that the present decision of the House would be now to begin that work which they must afterwards carry to a much greater length. It was most unjust to call on the agriculturists alone to make sacrifices; let them be made equally by all classes of the community. Was it possible that nearly one half of the whole income of the country could continue to be collected in taxes? Unless some permanent protection could be granted to the agriculturist, the only alternative was to cut down the expenses of our establishment at home and abroad, from the king to the lowest officer in the state. But had any disposition been evinced thus to relieve the burthens of the people? None whatever. It had been stated, that the tax was a trifling one: on the light soil it was not much, but on the heavy soils it amounted to 3 per cent on the rent. It was a tax, the principle of which was most unjust, being a tax on the plough, and fell most heavily on those who were the least able to bear it; the tax not only bore heard, but exposed the farmer to endless vexations. If a farmer once crossed a horse, he was charged with a pleasure horse, and his ploughman was charged as a groom. These were vexations which ought to be corrected. To show how vexatiously the assessed taxes were levied, he instanced the case of a poor woman in the neighbourhood of Berwick, who having paid sixpence to a man to prune a favourite fruit-tree, was surcharged with an occasional gardener, and her goods were actually sold to pay the tax. Some persons thought it necessary the inferior grounds should go out of cultivation; that he expressly denied. Every acre in the country ought to be brought into cultivation: for what was the evil which the country at present endured above any other but want of employment? If there were an increase of employment, an increased price of the necessaries of life would be of little moment. Cheap bread without work would at length, he was convinced, be found to be a great evil, as destructive of our manufactures as of our agriculture. The country had a right to demand some sacrifices to relieve it. This was the only remaining opportunity to effect such an object, and he called upon the House, therefore, to concur in his proposition, which was "for leave to bring in a Bill to repeal so much of the 43rd and 52nd of Geo. 3rd, as relates to the Duties on Horses and Mules employed in Agriculture only."

Mr. *Gooch* said, that if ever there was an unjust and oppressive tax, it was the present. He most strongly recommended the repeal. It was a coarse but true saying, that "you could not have more of a cat than its skin;" and the agriculturists were, in fact, unable to pay the tax. If we could not increase our means, we must diminish our expenditure. He thought the hon. member for Aberdeen, by his indefatigable industry and valuable exertions, had done great service to the country.

Mr. *Davenport* thought this tax the most oppressive and inexpedient that the ingenuity of man ever suggested; always excepting the tax on salt.

Mr. *Coke* declared that it was quite delightful to hear on this occasion the language which was held by the gentlemen opposite. The compliment paid by the chairman of the agricultural committee to the hon. member for Aberdeen, must be highly gratifying to him. For himself, he would say that since he first came into parliament, he did not remember any gentleman to whom the country was so much indebted as to his hon. friend (Mr. Hume), whose exertions had been as important as they were unremitting.

Mr. *Cripps* said, it was impossible that immediate relief could be given to the agriculturists, unless the House was prepared to enact that corn should be raised at once to a certain price. He really believed that labourers in general were much better paid when wheat was at a higher price than they were at present. The great object, however, was to keep prices as much as possible on a level, and to prevent fluctuations. The repeal of this tax would be received by the agriculturists as a boon.

Mr. *Baring* said, he was one of those who had used their best endeavours to enforce retrenchment and economy upon ministers during the late grants, but un-

fortunately without effect. Those extravagant grants having however been carried, he could not agree to weaken the revenue by repealing the tax in question. And here he could not help expressing his surprise that gentlemen should expect to return to their constituents with a good grace, after having supported the whole of the present burthens on the country, merely because they advocated the repeal of this solitary tax. Upon no one of all the numerous divisions which had taken place upon the reductions proposed by the hon. member for Aberdeen, were the names of the hon. member for Suffolk, or the other gentlemen who opposed this tax, to be found. Yet the whole of those gentlemen had advocated retrenchment, notwithstanding their having supported every grant, however extravagant, proposed by ministers. The first duty of the House was, to look to the expenditure of the country, and that being voted they were bound to provide for it. Convinced as he was of the distress of the agricultural classes, no man could feel more anxious to supply a remedy if a remedy could be supplied; but the impression on his mind was, that for the present the evil must remedy itself. He pointed out the necessity of keeping up a clear sinking fund, and showed the importance of preserving the public credit inviolate, that the government might be able to meet any emergency that might arise. Under all the circumstances of the case, he could not vote for the motion.

Sir *W. W. Wynn* supported the motion, and urged the importance of relieving the landed interest.

Mr. *Benett*, of Wiltshire, considered the tax to be an impost on the implements of labour, and most unjust and oppressive. He wondered how those could support such a tax who were in favour of cheap bread and opposed to a Corn bill. Measures must be taken for the relief of the agricultural interest. He hoped the honesty of the House would always make them anxious to keep faith with the public creditor; but there was a vulgar adage—"We cannot rob a naked man of a shirt."

Mr. *W. Burrell* supported the motion, not from a feeling that it would afford relief, but because it was an unjust tax, and operated more severely upon the holders of bad than of good lands. He had supported ministers during the war, for the purpose of obtaining an honourable peace. It had been said by ministers, "Only enable us to go on with the war, and you shall be relieved when a peace is obtained." Yet, to this day, they paid the same taxes as in time of war; all but the property-tax; and that he supposed they would soon have again. Had any reduction been made this year? He allowed that 10,000 men had been reduced; but those had been raised for putting down the riots in the manufacturing districts; and the moment the riots had ceased, they ought to have been reduced. It was impossible for things to go on as they were. The taxes had risen to an amount that would prove the utter ruin of the country. Economy was absolutely necessary in every branch of our expenditure; and they whose salaries had been increased in consequence of the high prices, ought now to suffer a corresponding reduction.

Lord *Milton* expressed his great satisfaction at the speech of the hon. gentleman who had spoken last. He would go still further, and call on the whole country to stop the career of taxation. He put it to his hon. friend the member for Taunton, whether for the sake of increasing the fictitious value of stock, the grinding taxation which encroached on the capital that formed the foundation of credit, ought to be endured? He put it to his powerful mind, whether it would not be better to leave in the pockets of the people what increased and fructified with them, than, by taking all away, to ruin them and annihilate the revenue? There were other taxes which ought at the same time to be taken off from the manufacturing interests. The noble lord here begged leave to read, in 1821, an extract from the royal speech in 1721, recommending the taking off taxes from the raw material. He agreed that agriculture was the base: but what was the value of the base, if the shaft of manufactures and the capital of commerce were destroyed? Would they bring this happy land, where manufactures and commerce had spread all the arts, refinements, and elegancies of life, and scattered over the face of the country, rich and populous cities, into the condition of agricultural Poland? Other taxes ought to be repealed as well as the tax on horses, but especially the tax on foreign wool. The four million sinking fund might as well be employed in raising the price of land, as the fictitious value of stock. If this motion should be successful, he would move an instruction to the committee to receive a clause for re-

pealing the tax on foreign wool. His hon. friend, by this motion, proposed a relief to the extent of 480,000*l.* He (Lord M.) would in addition propose relief to the extent of 180,000*l.*

The *Chancellor of the Exchequer* said, that the present question involved not only the repeal of 500,000*l.* but of every tax of which a particular class of persons might complain. It was the beginning and opening of a general assault on the finances of the country—an assault to be varied by every member, according to the interests of his constituents, or his own views of political economy. If such an assault were successful, no minister could support the financial system of this country. That system had been carried to an artificial height, and it could be supported only by constant care, by great sacrifices on the part of the country, and by the firm and, he would say, magnanimous resolution of parliament. This tax had been described by some hon. members to be but a drop in the bucket. Were they, then, for such an object, to encroach on the consolidated fund? Hon. gentlemen had said, that government showed no disposition to practise economy; to that charge he would say, that the estimates for the present year exhibited proofs of a reduction in the public expenditure unexampled at any former period. The House were told that by repealing certain taxes, ministers would be driven to acts of economy: he could assure gentlemen that such steps were unnecessary. The ministers of the Crown were determined to adopt every possible plan of economy, and the estimates for the next year would be as low as could possibly be consistent with the public security; further than that ministers would not go. With respect to the tax in question, it should be recollected that it was but a very inconsiderable part of the expense attending the implements and machinery of the agriculturist. It was also worthy of consideration, that the expense of the farmer, as far as regarded the maintenance of cattle, had considerably decreased. He could not agree to the repeal of the tax, and would move the previous question.

Mr. *Scarlett* said, that a more unsatisfactory statement he had never heard from any minister. That the public credit ought to be supported, was a proposition which no one denied; but the question was as to the best means of supporting the public credit. Was it by keeping up an oppressive system of taxation? The right hon. gentleman said, that the farmer was better able to bear the tax on agricultural horses, because the provender for those horses was cheaper than formerly. Now, to put the argument in plain language, it amounted to this—that the farmer was better able to bear his burthens because his means had been diminished—because the price of his produce had considerably fallen. The right hon. gentleman had cautioned the House against interfering with the public credit. To this he would say, that the revenue of the country was directed to two objects—first, to the payment of the public creditor; secondly to meet the expenses of the enormous establishments which ministers thought fit to maintain. Would it affect the public creditor if these establishments were lessened? He contended that it would materially benefit *him.* The right hon. gentleman had also said, that ministers next year would still further reduce the estimates. Now, if ministers had the means of doing so, how could it injure the public credit, by repealing oppressive taxes, to make ministers practise by anticipation that system of economy which they were pledged to adopt for the next year. The best means of compelling ministers to practise economy would be to lighten taxation. By their own showing, they had a surplus of four millions; and he submitted that it would be much more beneficial to the country, instead of keeping that surplus, to repeal taxes to the amount of it, and to apply that sum to the service of the year. He hailed the return of gentlemen on the other side to a better estimation of the state of the country; he hailed their conviction as sincere, and trusted it would be lasting. He believed the difficulties felt by the agricultural interests would subside by means of the equalization of prices; but he believed that that very equalization would make it impossible to pay the present establishment. Economy was therefore the only resource: "Magnum vectigal est parsimonia."

Mr. *Huskisson* said, that if all the propositions made by gentlemen opposite were acceded to, the financial system of the country would be completely broken down. He was fully aware of the difficulties under which the agricultural interest was labouring, and could he believe that the repeal of this tax would

afford any material relief to the farmer, he would, notwithstanding the general objection which he felt to interfere with financial arrangements, vote in favour of the motion. Not one of the witnesses who had been examined by the committee had stated that the repeal of the tax would afford any relief to the farmer. He had looked at the petitions, 112 in number, which had been referred to that committee, and he could find but one in which the repeal of the tax was prayed for. Prior to 1815 the tax was imposed equally on all horses employed in agriculture; but his right hon. friend at that period reduced the tax from 17*s.* to 2*s.* 6*d.* on all horses employed on farms under the yearly rent of 200*l.* The tax did not fall exclusively on the farmer; but, like all others, it equally affected the consumer, and the general capital of the country. The observations of the noble lord seemed to involve the principle of a breach of national faith towards the creditors of the country. Did not the noble lord think it was good policy to keep faith with the public creditor, when it was possible that the government might, in the event of a new war, be again driven to apply to the capitalists of the country for money to enable them to meet the exigencies of the state? He could not imagine how hon. members who had voted for the establishment of the sinking fund, could consistently support the repeal of particular taxes without proposing any thing by way of substitute. He was satisfied that agriculture could flourish only in conjunction with commerce and manufactures; and could not agree that the country was borne down with taxation. Admitting that its pressure was severely felt, he doubted not that the country would be able to surmount all its difficulties. Its capital had been progressively increasing for many years, and it was now greater than at any former period. He did not make these observations with the view of deprecating a reduction of the expenditure; he was as anxious for such reduction as any hon. member could be.

Sir *C. Burrell* opposed the tax, on the ground that it was oppressive and unjust.

Mr. *Maberly* thought the chancellor of the exchequer had no right to call upon the country gentlemen to support him in this tax, especially as he had broken the promise of economy which he had made to them at the time that he imposed it.

Mr. *Brougham* said, that this was a tax that fell unequally in all cases, and most unequally upon those lands which were least able to bear it. He was asked to give a substitute for it, supposing it to be repealed. This he was not bound to give; and he could assure ministers that the only substitute which they should have for it with his consent should be parsimony and economy.

The previous question being put, the House divided: Ayes, 141; Noes, 113. The main question was then put, and agreed to; and a Bill was brought in by Mr. Curwen, for the repeal of the Husbandry Horses Duties, and read a first time.

HOUSE OF COMMONS.

Friday, June 15.

VAGRANT LAWS AMENDMENT BILL.] The report of this bill being brought up,

Mr. *Courtenay* hoped it was not proposed to revive any of the obnoxious old law with respect to whipping for Vagrancy, adding, that it was apprehended this bill would interfere with the 59th of the late king, with respect to the removal of paupers to their respective parishes.

Mr. *Chetwynd* replied in the negative to the first observation of the hon. member, expressing his decided disapprobation of a practice which too often subjected paupers to harsh treatment for mere destitution. The main object of this bill was to prevent the removal of vagrants, which was calculated to have cost the country for some time back no less than 100,000*l.* a year, while the practice too often presented scenes shocking to humanity and decency. To remedy these evils, it was proposed, that no vagrant should hereafter be removed as heretofore, but that where a pauper was found to be really destitute, he or she should be relieved; while, where an act of vagrancy or disorderly conduct was really committed, the offender should be punished, upon conviction, by imprisonment and labour; the prisoner to receive a portion of his earnings from such labour. There was also a clause, to abolish the present system of rewards for the apprehension of vagrants, the amount and apportionment of such reward to be hereafter at the discretion of the magistracy. With regard to the second observation, the bill expressly provided not to interfere with the arrangement of the

59th of the late king, as to the passing of the poor of Ireland and Scotland, who had not committed acts of vagrancy.

The report was agreed to.

Irish Revenue Inquiry Bill.] On the order of the day for going into a committee on this bill,

Sir *J. Newport* said, that the abuses in the collection of the Irish revenue were of so extensive a nature, that they could only be reached by a parliamentary commission. It was a melancholy fact, that the receipts of the exchequer had diminished in the exact proportion as the burthens of the people had been increased. One of the effects of this excessive taxation was, to increase an evil under which Ireland had long laboured—he alluded to the absence of its gentry. He strongly recommended the adoption of the bill, in the full confidence that the commission would be composed of such persons as would give weight to their appointment, and appreciate the great responsibility of the trust reposed in them.

The *Chancellor of the Exchequer* entirely agreed in the importance of the measure, and in the necessity of appointing such individuals to fill the commission, as would discharge their duty with zeal, integrity, and fearless independence.

Mr. *Calcraft* said, that much depended upon the selection of the persons appointed as commissioners. He feared that some new burthen must be imposed upon the country to provide salaries for these commissioners, but he trusted that no member of parliament, unless he already held an official situation, would be appointed. The influence of places and situations of emolument in that House was already much too extensive, and they ought to be extremely cautious in creating new offices for members of their own body.

The House having resolved itself into a committee,

The *Chancellor of the Exchequer* proposed the clause for appointing the commission, and enacting that it should be executed by the following persons:—the right hon. T. Wallace, Mr. Frankland Lewis, colonel Herries, Mr. W. J. Lushington, and Mr. J. Berens. He did not mean to propose any specific remuneration at present to the commissioners, but merely to assign a sum for their expenditure. He thought it, however, right to state, that Mr. Wallace and colonel Herries meant to decline any remuneration for their services on this occasion, as they at present held situations of emolument under the Crown.

Mr. *Hume* was not aware why five commissioners were necessary; but of this he was sure, that if the vice-president of the Board of Trade (Mr. Wallace) had any business to perform in his office here, he could be ill spared for the duty of the commission in Ireland. Colonel Herries was in the same predicament: how could he be spared, while he held the office of auditor of the civil list? But he principally rose to object to the appointment of any member to this commission, unless he stood pledged not to receive any salary. He had the highest opinion of the ability and integrity of his hon. friend near him (Mr. F. Lewis); but he must nevertheless say, that this office of commissioner, with a salary attached to it, would be looked upon as nothing less than a bribe, held out by government for the parliamentary support of the individual.

Mr. *F. Lewis* begged permission to say that his humble efforts had ever been, and would still continue to be, at the public service. He had never shrunk from giving them on every occasion, unostentatiously and disinterestedly to the public, whenever they were thought acceptable. Wherever and whenever he was thought to be of any use in promoting the public service, the country might always have his feeble efforts in any situation, and in any manner, in which they were thought worthy of acceptance; and he might add, that he should be always found just as willing as any hon. member who heard him, to render his services, such as they were, gratuitously. But, waving the individual question for a moment, he would ask his hon. friends near him, whether they were prepared to advocate the general principle of gratuitous service; for, unless they were, he could not suffer himself to be selected as an individual exception; and he here begged to be understood as speaking with reference to the general principle. Was it for a moment to be assumed and given out to the world, that, if a man faithfully discharged important duties, and received a fair remuneration for his labours, his opinions must be considered as so warped by that recompense, that they ought to be looked upon as formed under an undue influence? Rather than suffer his own opinions to be so warped, he would be swallowed up by

the ground on which he trod. It never could be his case—it never could be the case of any honest man fairly discharging a public duty. Reverting to his particular case as a member of this commission, he should discharge his duty faithfully, honestly, and fearlessly, whether it was to be gratuitous or not. If the imputation were generally true, that men's opinions were thus biassed by such recompense, he must entertain a lower opinion of mankind than he was at present disposed to do. If persons who received an honest recompense for public services were to be regarded as thereby incapacitated from giving an honest opinion upon public matters, then there was an end to what he considered as the just way of conducting the affairs of this or indeed of any other country. His observation was general, and applied to all times and circumstances. With respect to the office itself, he believed he should be credited when he said, that it could be no object of personal advantage to a man like him. Whoever undertook the office must necessarily resign his usual occupation and habits, for the purpose of attending to its duties. He would of course abandon his ordinary pursuits to perform his part of the inquiry; for without doing so, no good could be effected; and to do good was his only desire in undertaking so responsible a trust. It had been said, that a member of parliament ought not to be one of the commissioners; now, he must say (of course assuming for a moment that his own name was blotted out of the commission) that a member was exactly the person who ought to be in such a commission in order to discharge the duties of it efficiently. A parliamentary duty and a parliamentary explanation would probably follow the inquiry. How, then, could either be done so properly as by a member? It could not be expected that a person out of doors could impregnate one within so entirely with the nature of the business transacted by the commission, as to qualify him to give all the explanations and statements which the case might eventually require. He repeated, that he was ready to serve whether he was paid or not: he would not say that it was a matter of perfect indifference to him; but he was as ready as any man to contribute disinterestedly his services to the commission.

Mr. *Wallace* said, that he had declined any emolument as a commissioner, on the sole ground that he held an office of emolument in another branch of the public service, and that this duty in Ireland might be made compatible with his other, either by the season of the year when his services might be wanted, or by having an official colleague here who was ready to undertake extra trouble in his absence. But nothing, he thought, could be more injurious, as a general principle, than the idea that the public was benefited by gratuitous services; for it would necessarily lead to the appointment of only those who could afford to give gratuitous labour, without reference to the fitness of the man for the situation, or the situation for the man. He felt the weight and importance of the duty; but he should endeavour to discharge it faithfully, and unostentatiously.

Mr. *Calcraft* said, that the right hon. gentleman had talked with solemnity of the duty he was about to undertake, and the obloquy which he might have to incur in the performance of that duty, as if he were about to enter an enemy's country, instead of undertaking, in fine weather, an agreeable sail in a steam packet, to the most hospitable country on the face of the earth. The right hon. member, however, disclaimed taking any merit to himself for not requiring an additional salary; that was so far well, for he had already a salary from the public as vice-president of the board of trade. This office he always thought had some duties attached to it; but now it seemed there were no duties attached to it of any importance, as the performance of them did not make it necessary that the right hon. gentleman should be resident in this country. Now, as to his hon. friend (Mr. F. Lewis), he would say a few words. His hon. friend had stated, that the enjoyment of office should not have that effect upon him which it was well known practically to have on all others. He said, he would perform its duties in a fearless and independent manner; but could he do so, and hope to meet with the approbation of his friends opposite? There was an instance lately of the exertion of such independence, and the consequence of it, in a vote for the repeal of the Malt tax. If he could allow of any exception to the principle, it could not occur in an instance more favourable than that of the appointment of his hon. friend. He knew him to be an able, industrious, and independent man; but he had never seen him in office.

After making a few observations upon the rest of the commissioners, the hon. gentleman said, he must take the sense of the House on the appointment of his hon. friend.

Mr. *Robinson* said, he could appeal to many hon. members who knew that the vice-president of the board of trade had very extensive, important, and difficult duties to perform. Although it was true that by an arrangement between himself and his right hon. friend the duties of the office might be facilitated in his absence, by throwing more than the usual share of business on himself, who remained; yet it did not follow that those duties could ordinarily be performed by one person. With respect to the duties to be discharged under this bill, they were of a description which most materially affected the trade and commerce of this country. He would maintain that it was quite impossible for the trade and commerce of England and Ireland not to derive great advantage from the due exertion of the powers which the commissioners would be invested with. With respect to his hon. friend opposite (Mr. F. Lewis), he thought that the way in which he had expressed himself, showed incontestably that he was actuated by the most honourable feeling. The commissioners, he was satisfied, were about to undertake labours of no ordinary nature; and in performing those labours, in cleansing the Augean stable which it was their duty to put to rights, the only pleasure which his hon. friends could receive from the task, was in the consciousness of the advantages derivable from their exertions to the public.

Lord *A. Hamilton* was of opinion that a member of that House ought not to be selected to fill an office of this kind. He should oppose the appointment of his hon. friend, solely on account of the principle which such an appointment tended to overturn. The question did not merely apply to them as members of that House; it was one which also concerned their constituents and the public in general. They had long acknowledged a wise principle in matters of this description, and that principle they ought to follow. To show the extreme sensibility with which appointments of this nature were viewed in that House, he need only refer to the example of his learned friend (Mr. Brougham), who offered, if he were constituted a commissioner under the education commission, to retire temporarily from parliament.

Mr. *Brougham* rose for the purpose of setting his noble friend right. His noble friend had stated truly, that he (Mr. B.) had offered to act as a commissioner under that commission; but he did so on the express condition of holding the situation without any salary. With respect to his having declared that he would, if he were appointed, retire from parliament, his noble friend was not equally correct. He did not state that he would leave parliament; what he said was, that should it be necessary for him to relinquish his seat in that House, in order to perform the duties of a commissioner, he wished, even in that case, to have the refusal of the situation. He did not say that he had made up his mind to retire from parliament. He would now state his reasons for being adverse to the appointment of his hon. friend. Certainly, no man could be better adapted for the office, from his habits, talents, and integrity, than his hon. friend. Looking, then, at the principle alone, he would say that this appointment went, not directly, but indirectly, to increase the influence of the Crown. It proceeded in a manner that went almost substantively to increase that influence. He admitted that his hon. friend could not be so influenced; but they were proceeding on a broad principle; and although his hon. friend would act as became an independent man, yet there were others who might be influenced under similar circumstances.

Mr. *Grenfell* stated that he always objected to the extension of the influence of the Crown, but he did not think this a case which involved that principle; and argued, that as the situation was not removeable at the pleasure of the Crown, but only to be terminated by the voice of the House, he felt it his duty to vote for the appointment.

Dr. *Phillimore* contended, that if ever there was a case when parliament ought to appoint a commissioner from its own body, this was one. The practice was one handed down from our ancestors, and as to the hon. member, he was pre-eminently qualified for the appointment.

Mr. *Abercromby* said, he would vote against the appointment of his hon. friend, on the mere ground of principle unconnected with any personal consideration.

Mr. *Creevey* said, that much time had been wasted in panegyrics on his hon.

friend, but this was not the question; what he objected to was, that any more of the public money should go into the pockets of a new member, or one not hitherto connected with the administration. Enough of influence was already secured by this means, quite enough for ministers, and too much for the interests of the country. He had counted, in the division on the repeal of the Agricultural Horse tax, 45 members who voted against that repeal, and who had the public money in their pockets. If the system now introduced happened to be successful, commissioners might be appointed to inquire into the state of the navy, or of any other public department, and ministers might select those commissioners from amongst the members of that House. He wished to put the House on its guard against such a source of corruption. He was quite sure it would have been attempted long ago, if public opinion, supported by efforts made within the walls of parliament, had not prevented it. But not only was principle on the side of those who opposed this appointment, but law; for the statute of Anne said, that if an individual accepted of a new place, he must not sit in parliament. Now this was a new place, and both the principle and the law being contrary to the proposition, he felt it his duty to protest against either the one or the other being violated.

Mr. *W. Smith* contended, that it was impossible but that the influence of the Crown must be increased, not only by the nomination to any place, but by the expectation, to which the knowledge that the power of making such a nomination existed, must necessarily give birth. On every account it was highly desirable to take care, that if the influence of the Crown in that House could not be diminished, at least it should not be increased.

Sir *J. Newport* said, that if the appointment were to a permanent office, or if the Crown could remove at pleasure, he should certainly object to the nomination of a member of that House; but as that was not the case, and as it appeared to him to be highly desirable that there should be in the bosom of the House individuals capable, from personal observation, of explaining the nature of the proceedings to which the commission would resort in their inquiries, he saw no objection to the appointment.

Mr. *Maberly* was convinced that three commissioners would be quite sufficient.

Mr. *Denman* contended, that commissions for the reform of abuses, would themselves become the greatest abuses, if ministers were allowed to appoint the commissioners. By a clause in the bill, any vacancies which might occur in the commission were to be filled up not by parliament, but by the Crown. Our ancestors had in vain opposed the influence of the Crown in that House, if such a proposition were acceded to.

Mr. *Hutchinson* was quite aware of the importance of the measure, but objected to any increase of the influence of the Crown in that House.

Mr. Maberly moved, as an Amendment, to omit the words "right hon. Thomas Wallace," for the purpose of inserting "the three following gentlemen." A division took place: For the Amendment, 23; Against it, 81. Another division took place on the name of Mr. Frankland Lewis: For the insertion of Mr. Lewis's name, 77; Against it, 31.

List of the Minority.

Abercromby, hon. J.	Hamilton, lord A.
Bright, H.	Hutchinson, hon. C.H.
Benyon, B.	Lockhart, J. J.
Baillie, col. J.	Monck, J. B.
Benett, J.	Marjoribanks, S.
Brougham, H.	Newman, T.
Baring, H.	Parnell, sir H.
Bernal, R.	Ricardo, D.
Calcraft, J.	Robertson, A.
Concannon, L.	Scarlett, J.
Creevey, T.	Smith, M.
Denman, T.	Wood, ald.
Fitzroy, lord C.	Wharton, J.
Fergusson, sir R.	Wilson, sir R.
Grattan, J.	
Hobhouse, J. C.	TELLER.
Hume, J.	Maberly, J.

The other clauses were agreed to, and the House resumed.

IRISH ESTIMATES.] The House having gone into a committee of supply to which the Irish Estimates were referred.

Mr. *Grant*, in moving that 20,000*l.* be granted for the support of Irish Protestant Charter Schools, said, that to some of the votes he could not give his unqualified approbation, though they were considerably reduced. The institutions in support of which the money was proposed to be voted, were so long established, that it was not possible to reduce them so speedily as could be wished.

Mr. *Hume* said, he was happy to have the testimony of the right hon. secretary as to the impolicy of the grants for the

support of institutions which had better depend upon charity. The general, and he believed the correct opinion in Ireland was, that when public money was paid out of the Treasury, for the purposes of pretended charity, it speedily became a job. These votes, though somewhat reduced, were still far greater than they should be. According to the act of Union, parliament was bound for twenty years to vote the same sum of money that had been voted for six years previously to the Union. Now, six years previously to the Union, the votes had only amounted to 79,354*l.*; though reduced from what they had been a few years ago, they still amounted to 245,000*l.* The whole Miscellaneous Estimates amounted, at the former time, to 217,000*l.*; they were now 318,000*l.* He hoped the right hon. secretary would bring back the public charities to the footing on which they should stand—general benevolence and individual contributions. He was sorry to see that a beginning had been made of voting in aid of public charities in this country, by the vote in aid of the Refuge for the Destitute; which if he had been present he should have opposed. He wished to ask a question on a subject, which perhaps the right hon. gentleman could explain. In 1794, the rent of the estates of the Protestant Charter Schools were 4,229*l.* a year. Now when it was to be expected that they would have increased, it was 3,357*l.* How did this happen? He wished to know whether these schools continued to receive children? He understood they had completely failed in the religious purpose for which they were intended, and that they were mere clothing and schooling charities.

Mr. *Grant* admitted that the object for which the schools alluded to had been established, had completely failed.

After some further conversation, the several resolutions were agreed to, and the House resumed.

HOUSE OF COMMONS.

Monday, June 18.

HUSBANDRY HORSES DUTIES REPEAL BILL.] Mr. *Curwen* rose to move the reading of the Order of the Day for going into a Committee on this Bill. He was happy to inform the House, that ministers did not intend to give any further opposition to the bill. He hoped the discussions which had taken place would show to ministers the necessity of coming down to the House, in the ensuing session, with such a system of economy as would enable them not merely to do without this tax, but to extend other indulgencies to the country. It was highly gratifying to find that the noble marquis had, in this instance, bowed to the wishes of the House and of the country. The handsome manner in which he had yielded the point in dispute deserved and received his thanks.

The *Chancellor of the Exchequer* said, that whatever objection he might entertain to the repeal of this or of any other tax at a period of such pressing necessity, still he felt that he was bound in duty to give up his own sentiments in deference to what he believed to be the decided opinion of the House. After the discussion and division which took place on a former evening, he had endeavoured to learn the sentiments of those who were most deeply interested in this measure; and he had no doubt, from what he had heard, that the sense of the country was in favour of the repeal. This being the case, he would not attempt to set up his individual opinion against a general feeling. He sincerely hoped that the measure would produce all those beneficial results which the hon. mover anticipated from it; and if it did, he should not regret having given up the tax, although he felt at present that they were making a very great sacrifice to the general interests of the country by so doing.

Mr. *Birch* observed, that in the late discussions on the expenditure of the country, it was stated, in objection to motions for retrenchment, that ministers had brought down their estimates as low as they could: he wished therefore to know if it was intended to substitute for the repealed tax any new impost; as, if this were the case, it would only be the removal of a burden from one part of the people to put it on the shoulders of others.

The Marquis of *Londonderry* said, he had no hesitation in avowing, that if he had been present on a former night, he would have stated the strong objections which he felt to the repeal of this tax. But, after what had occurred, looking to the amount of the tax, and taking into consideration the extreme depreciation of the agricultural interest, he conceived that he was called on to withdraw his opposition. It was a measure of sympathy, and would not, he was afraid, be attended with such beneficial results as were expected. The House having expressed its opinion on this

important question, he had reconciled his mind to make no farther struggle on the subject. With respect to the introduction of another tax in lieu of it, gentlemen would recollect that his right hon. friend had, in discussion, always guarded himself from being precluded, if necessity should require, from recurring to this measure at any future time. But if it would give the country any additional satisfaction to know that this boon was granted unattended by any new tax, that satisfaction he was ready to impart. When ministers should come down, in the next session of parliament, with improved plans of economy and retrenchment, when they showed to the country that they had done all that was right and proper, then, if it should appear that a necessity existed for the renewal of this tax, he hoped it would be recollected by the House, that this portion of the public revenue was abandoned, without any proposition being made for filling up the consequent deficiency.

Mr. *Baring* expressed a hope, that after the repeal of this tax, the agriculturists would not turn round to claim other concessions, and to say that nothing had been given up to them. Hon. members who supported this repeal ought to have shown their disposition to relieve the general distress of the country, by supporting the various propositions of the hon. member for Aberdeen, for reducing the establishments. It was only by economy and retrenchment, that that distress could be relieved. The chancellor of the exchequer had brought his defeat upon himself, by boasting of the state of the finances. It was his holding out the idea of a real sinking fund of 4,000,000*l.* when no such thing existed, that had brought him into the predicament in which he now found himself. It reminded him of persons who gave out that they were possessed of vast riches, until at last a parcel of thieves came and robbed them of all their property.

Mr. *S. Wortley* said, he did not think himself liable to the charge of inconsistency which had been made against those who voted for the estimates and not for the tax. The hon. member for Aberdeen made his propositions to the House founded upon his own statements, which were contradicted by ministers. Now here were two parties whose statements were opposed to each other; and he (Mr. W.) and his friends had been in the habit of giving their confidence to ministers. This he took to be a very different case to the repeal of a tax, where every man exercised his own judgment as to its necessity.

Lord *Milton* observed, that if some of the hon. gentlemen who sat round his hon. colleague, and who allowed that the hon. member for Aberdeen had done a deal of good by his persevering investigations, had helped him to do more good, if, instead of merely panegyrising that hon. member at the close of the session, they had aided him by their votes in its progress—they might so have reduced the public expenditure as to give his hon. friend, the member for Taunton, no ground for saying that it was imprudent to deduct nearly half a million from the public revenue. He, however, by no means argeed with his hon. friend, that the repeal was an imprudent measure; for he was persuaded, that the half million might easily be made up by economy. He was persuaded, that to a large portion of the agriculturists the repeal of this tax would be a very great boon. The way in which the repeal had been carried, would be an argument, on the introduction of any future measure of partial reform, to show that the landed interest in that House did not peculiarly require to be reinforced. He appealed to the justice of the House, therefore, to show, in another session the same protection to the manufacturing that they had afforded to the landed interest. That the country would be grateful for this proceeding, on the part of the House, he was sure; but their gratitude ought to be shown to his hon. friend, the member for Cumberland, and those who supported the abolition, and not to those who, if they could, would have continued the tax.

Mr. *Peel* felt himself compelled to dissent from the tone of congratulation, on this event, which seemed to be so general in the House. He must say, that he regretted the repeal of the tax, because he was persuaded that it ought to be the object of all the interests in the country to maintain the public credit. The interest, neither of the one class nor of the other, would, in his opinion, be consulted, by a measure tending, as this certainly did, in some degree, to impair the public credit.

After some farther conversation, the bill was ordered to be committed on Wednesday.

GRANT TO THE DUKE OF CLARENCE.] On the order of the day for receiving the report of the committee on this grant,

Mr. *Hume* said, that his object was, to have this provision divided into two parts; first, the yearly allowance proposed to be made of 6,000*l.*; and secondly, the arrears for three years of 18,000*l.* A considerable discussion had taken place on the subject in 1818; and the impression on both sides of the House then was, that 24,000*l.* a year was a sufficient allowance to each of the junior branches of the royal family, on their marriage. If the duke of Clarence had not accepted the grant, the others had. Now, it was peculiarly necessary that, in the present state of the country, the House should act upon some system. Grants had of late years been made, for which the income of the country was quite inadequate. When 850,000*l.* had been granted as a civil list, after pensions formerly paid from that list had been transferred to the consolidated fund, it was the most extravagant civil list ever allowed. He had at that time opposed it, until the whole of the charges formerly borne on it, and those now paid from it, should be considered; but his motions were negatived. The noble marquis had stated, that the 2,500*l.* given to the duke of Clarence, had been formerly paid from the civil list, and was afterwards transferred to the consolidated fund. Why had this sum been so transferred, when a sum of 7,800*l.* given to the duke of York was not? The latter sum was now, as from the first, entirely paid out of the Irish civil list? He saw no reason for this distinction; and therefore, if more was to be granted to the duke of Clarence, the 2,500*l.* to which he alluded ought to be paid out of the pension list; and if to the 2,500*l.* now paid from the civil list, they added a farther grant of 3,500*l.*, his royal highness would have 24,000*l.* If 2,500*l.* more should be necessary, let it be given from the Irish, Scotch, or English pension lists. If his majesty was disposed to be liberal towards his royal highness, let that liberality be displayed from funds which were under his disposal, and not from the public money, in the present state of the country. As to the arrears, he thought it quite impossible that they could be allowed. He concluded by moving, as an amendment, the following resolution:—"That the sum of 24,000*l.* a year, exclusive of professional allowances, was considered, in the year 1818, sufficient to support the dignity and honour of their Royal Highnesses the Dukes of Kent and Cambridge, upon their marriages, and that no circumstances have occurred to warrant a larger sum to be now granted to his Royal Highness the Duke of Clarence: that his Royal Highness the Duke of Clarence receives at present the sum of 20,500*l.* annually from the consolidated fund, exclusive of his professional allowances; and that therefore the sum of 3,500*l.* is only required in addition to that amount, to make up the sum of 24,000*l.*:—That, if it should be considered necessary, that his Royal Highness the Duke of Clarence should receive 2,500*l.* a year more than Parliament granted to their Royal Highnesses the Dukes of Kent and Cambridge, on their marriages, it is the opinion of this House, that his Majesty has the means of granting that amount, either from the sum of 95,000*l.* a year, placed at his disposal for pensions, as part of the English Civil List of 850,000*l.*, or from the sum of 50,000*l.* placed at his disposal as part of the Irish Civil List of 207,000*l.* in the same manner as his late Majesty George 3rd, granted from that list, in 1792, the sum of 7,817*l.* 17*s.* per annum to his Royal Highness the Duke of York, and which sum his Royal Highness has annually received from that period:—That therefore it is the opinion of this House, that, in the present state of the country, it would be highly improper to add to the burden of the consolidated fund by a larger grant to the Duke of Clarence than 3,500*l.* a year, in addition to the 20,500*l.* which he now receives."

The Marquis of *Londonderry* said, that this sum of 2,500*l.* had been a very old grant to the duke of Clarence, and had been originally paid out of the civil list; but when the House had arranged the civil list, they took away from it all uncertain allowances; and this sum of 2,500*l.* among them. The House had judged that it was better to provide for charges that arose from circumstances and relations which were not permanent, otherwise than from the civil list; since, if they were provided for in the civil list, they might be continued for the benefit of other individuals, after the existing occasion for them should have ceased.

Sir *Isaac Coffin* said, he would support the grant upon this principle—that he was personally indebted to his royal highness for almost every thing he possessed. He had lived with his royal highness in peace and in war. Since the time of Charles 2nd, there was none of the royal family

who had seen so much service as the duke of Clarence. He had set off in 1780, and had soon afterwards smelt powder. He had fought at Cape St. Vincent under lord Rodney, and on his return had, with admiral Digby, captured some of the enemy's ships. He had afterwards gone to America, and served with admiral Hood. There had not been a young man connected with his royal highness in the service who had not become an admiral, or died like Nelson or Collingwood.

Mr. *Curwen* said, that every gentleman in the country was obliged to give up a part of his income, and it was not too much to ask the royal family to share in the burthens of the country. He thought the whole proceeding irregular; as it ought to have been preceded by a message from the Crown.

Mr. *Lockhart* said, that time had already made an additional grant for the duke of Clarence. Could any gentleman deny that 20,000*l.* was an income which, at the present time, would, with economy, meet every possible expense? He thought 20,000*l.* a year under these circumstances equal to a nominal 30,000*l.* a year arising from a landed estate. He could not assent to any additional grant, and still less to the arrears.

Mr. *Monck* saw no reason whatever, in the present state of the country, for such a grant. He would not only oppose the arrears, but the 6,000*l.* annually.

Mr. *Hume* said, he would not press his amendment in the present stage. The report was brought up and read.

On the motion, that it be now read a second time, Mr. Curwen moved, as an amendment, "That it be read a second time on this day three months."

Mr. *J. Martin* said, he owed a duty to the royal family, but he owed a duty to the country also; and he thought it a more sacred obligation to consult the privations and distresses of the people, than to vote superfluities to any branch of the royal family.

Mr. *Becher* objected to the payment of the arrears, though he was willing to vote for the grant of 6,000*l.* a year.

Mr. *Abercromby* said, that as he was disposed to agree to the vote for 6,000*l.* a year, he must vote against the amendment.

Mr. *Ricardo* would vote for the 6,000*l.* a year, because he thought that his royal highness ought to be placed on the same footing with his brothers.

Lord *Milton* would agree in the vote which would raise the income of the duke of Clarence to a level with that of his royal brothers, but he would not agree permanently to any one of them, as he thought, within a few months, they must come under the consideration of parliament, from the change in the value of the currency.

The House divided: For the original question, 144; For the Amendment, 18.

List of the Minority.

Becher, W. W.	Monk, J. B.
Bennet, hon. H. G.	Moore, P.
Bright, H.	Palmer, C. F.
Bury, lord	Sykes, D.
Creevey, T.	Townshend, lord C.
Fergusson, sir R.	Whitbread, S. C.
Hobhouse, J. C.	Wood, M.
Honywood, W. P.	TELLERS.
James, W	Curwen, J. C.
Langston, J. H.	Martin, J.
Lockhart, J. J.	

Mr. *Hume* then moved, to leave out "6,000*l.*," and insert "3,500*l.*" instead thereof. He said, that gentlemen, by supporting his amendment, would save 2,500*l.* a year to the country, and the Crown had it in its power, out of the civil list, to make up the deficiency to his royal highness.

Mr. *Ellice* thought it would be far better openly to take away from the Crown the power of granting pensions, than by a side-wind to force claimants upon it. He must oppose the amendment.

Mr. *Bernal* said, that his hon. friend did not propose to add to the pension list, but declared, that as a guardian of the public interests, he could not further burthen the consolidated fund. He left the Crown to do as it pleased; but he would not farther oppress the country.

Mr. *P. Moore* said, the vote came in a crooked, underhand, and unparliamentary manner. It ought to have been brought before the House by a message from the Crown. It was by no means a matter of course to revive an old grant of a former session. Parliament had already provided for the royal family in a liberal and elegant manner.

Mr. *Calcraft* said, that the grant of 2,500*l.* a year had not escaped the attention of the House when they came to the vote of 1818. On that occasion it was recollected, that the younger brothers of his royal highness had professional advantages which he had not. He thought himself pledged to make good the engagement

of parliament, and he therefore should vote for the grant.

Mr. *Creevey* said, that the amendment went to lessen, by 2,500*l*, a year, the consolidated fund, already so much burthened. He would vote for it, because the Crown, if it thought necessary, might supply the deficiency.

Mr. *Denman* said, that in his opinion the duke of Clarence ought not to receive the arrears, though he ought *in futuro* to be placed on the same footing with his brothers. He would, however, object to the grant, because there was no message from the Crown on the subject. He had searched the Journals, and could find no trace of any proceeding on the subject: whatever passed then must have passed in the committee. It was, he conceived, impossible for the House to act upon any thing that might have taken place in a former parliament, save as far as the proceedings appeared upon the face of the Journals.

The *Speaker* said, that the learned gentleman was mistaken with respect to what had appeared on the face of the Journals. The report was brought up, and after some discussion agreed to. There was another point which it was necessary for him to set right, in order that he might convince the House that he was not guilty of any negligence or breach of his duty, in suffering an innovation on the established rules of parliament. The state of the proceeding was this—a message came down from the Crown, the House said that they would take it into consideration, they did so, a resolution was agreed to, but no bill was brought in. In a subsequent parliament, that resolution was acted on without a fresh message from the Crown, but still at its recommendation. He saw nothing irregular in that course of proceeding, nor was it unprecedented. In 1814, the allowance granted to the princess of Wales, was reduced from 50 to 35,000*l*. a year, without any fresh message from the Crown; and in the case of the duchess of Cumberland, a sum of 6,000*l*. a year in case she should survive the duke.

Mr. *Maxwell* said, that in this case, as in all others in which the younger branches of the royal family were concerned, it was impossible to exclude from consideration those laws by which parliament restricted their marriages, and to forget that by them they had greatly augmented the expense of maintaining them, in addition to all the other consequences which originated in their opposition to the laws of nature. The grant appeared to him to be one to the duchess, for unless the plea of matrimony had been alleged, no such additional provision would have been proposed. That illustrious person he had ever heard mentioned in terms of the highest praise; and he well knew that it was the misapplication, and not the proper application of the public money, which the people disapproved. It was not grants to support the dignity of its royal house which the nation disliked, but grants of public money to corrupt the talents of the country, and turn them against itself. Much as he objected to making any grant in the actual condition of the country, he should vote to place his royal highness in the same circumstances with his brothers. He should, however, give his decided opposition to the arrears.

The question being put, "That 6,000*l*. stand part of the question," the House divided: Ayes, 167.; Noes, 30.

List of the Minority.

Becher, W.	Langston, J. H.
Bennet, hon. H. G.	Lockhart, J. J.
Benyon, B.	Martin, J.
Bernal, R.	Monck, J. B.
Birch, J.	Moore, P.
Bury, lord	Noel, sir G.
Curwen, J. C.	Palmer, C. F.
Denison, W.	Ricardo, D.
Denman, T.	Rickford, Wm.
Fergusson, sir R.	Sykes, D.
Griffiths, J. H.	Townshend, lord C.
Guise, sir W.	Whitbread, S. C.
Hobhouse, J. C.	Wood, M.
Honywood, W. P.	TELLERS.
Haldimand, W.	Hume, J.
James, W.	Creevey, T.

Mr. *Bernal* then proposed another amendment, by leaving out from the words, "5th day of April 1818," and inserting "1821" instead thereof.

The Marquis of *Londonderry* thought that the only objection which deserved the name of an argument, arose from its being imputed to him that he had treated this subject merely as a question of arrears—a view of it which he had always disclaimed. From the first moment when the subject was brought under notice, he had denied that it was a question of arrears, but stated that it was a case in which parliament was to decide what it was fit and proper to give. Parliament, however, had always been in the habit of exercising an equitable discretion, with respect to the

period from which they should commence their grants. He wished that gentlemen opposite would not confine their liberality to votes for particular individuals. If hon. gentlemen would consider for a moment, they might recollect that there had been grants of a retrospective nature to other members of the royal family. When the last grant to her majesty was under consideration, an hon. gentleman had said, that he would receive no refusal to accept it,—as a reason for not agreeing to the vote, but that he would place the grant in the hands of the Crown, and let the queen take advantage of it when she pleased. According, therefore, to the principle thus laid down, if her majesty had chosen to refuse the grant until the expiration of 20 years, she would have been entitled to all the arrears. This grant to her majesty, it ought to be recollected, was made retrospective to the time of the death of the late king, when her majesty, in point of law, became queen-consort of the realm. When a grant was made to any commander on account of a victory, it was always carried back to the period of the achievement. He thought that the equitable period which parliament should fix in the present instance for the commencement of the grant was the time when parliament first resolved to give his royal highness the money, which he refused only from motives of self-denial. He could assure the House that the refusal of the grant by his royal highness at the time it was originally proposed, proceeded from the most honourable motives. His royal highness thought he could not live in this country on the allowance granted by parliament, without becoming involved in difficulties; and he therefore resolved to reside on the continent. But he could inform the House, that the year which his royal highness passed on the continent was not one of economy, but of increased expenditure. He therefore trusted that the House would consent to let his royal highness have the full benefit of its former grant.

Lord *Milton* said, he could not consider the question in any other light than as a grant of arrears, and as such he felt the strongest objection to it. He was also of opinion that the proceedings in this case had not been so regular as they ought to have been. The House at present was without any knowledge of the wishes of the Crown on this subject. They could not with propriety be referred back to a proceeding of a former parliament as a rule for their conduct on this occasion.

Mr. *Curwen* said, he should like to know what had been done with the residue of the late king's money, as he saw no reason, if the duke of Clarence were in debt, that his debts should not be paid out of that fund..

Mr. *Abercromby* observed, that the measures proposed in parliament with respect to the members of the royal family were generally of an unhappy character; but he knew of no instance in which less judgment had been shown than in the present. He had abstained from voting on many proposals for retrenchment made in the course of the session, because they turned mostly on mere matters of fact, on which he was not competent to decide, and on which, if he decided erroneously, he might do great injustice. But as this was a retrospective measure, he should not hesitate to vote for the amendment.

Mr. *Williams* said, he could not subscribe to the argument, that a member of the royal family would be entitled to claim the arrears of a grant which had been refused for 20 years. If the Queen had chosen to retire into a private station, and to remain there for 10 or 20 years, he, for one, would not have consented to let her have the benefit of any grant which was intended for the support of her dignity in public life. Upon the same principle, if the duke of Clarence had refused to maintain the dignity of his station, he could not permit him to receive arrears of a grant which was made to enable him to do so.

Sir *J. Graham* said, his royal highness had been anxious in 1818 to receive the money voted, but he was advised not to do so, by those who knew more of such matters than himself. If the House granted the arrears, the country would pay less than it would otherwise have done, by all the interest.

Mr. *Denman* thought that the two cases, of her majesty when princess of Wales and the duchess of Cumberland, were no precedents at all. The House was now called upon to act on the recommendation contained in a resolution of a former parliament. He could not conceive why the noble marquis had chosen to introduce the name of the Queen into this debate, unless for the purpose of forming a splendid contrast. If the House had acted towards her majesty as it was now proposed to act with respect to the duke

of Clarence, they would have given her, not only the arrears which were due to her from the period of the late king's death, but also the 90,000*l.* which she had given to the people since 1814. He thought the arrears ought not to be granted to the duke of Clarence; but if they were, it was clear that the same principle which gave his royal highness 18,000*l.* would give her majesty 90,000*l.*

Mr. Alderman *Wood* thought it fit the country should know, that although ministers had promised to provide her majesty with a house, with carriages, and with a service of plate, yet when she was paid the first instalment of the grant voted by parliament, 4,000*l.* was deducted for those articles. This was the liberality which ministers had displayed towards her majesty. Her majesty possessed a positive engagement, in the hand-writing of one of the ministers, to provide her with a house. She made choice of several, but none was given her, and she was finally obliged to procure one herself. In consequence of the expenses which her majesty had necessarily incurred, only 12,000*l.* remained out of 62,000*l.* which she had received in pursuance of the vote of parliament.

The House divided: For the Amendment, 81; Against it, 131. The original resolution was then agreed to.

List of the Minority.

Abercromby, hon. J.
Baring, H.
Becher, W. W.
Benyon, B.
Bury, visct.
Boughton, sir C.
Benett, John
Butterworth, J.
Colburne, N. R.
Curwen, J. C.
Creevey, T.
Cooper, R. B.
Cherry, G. H.
Crawley, S.
Dovcton, G.
Denison, W. J.
Denman, T.
Dundas, T.
Drake, W. T.
Dugdale, D. S.
Duncannon, visct.
Ebrington, visct.
Evans, Wm.
Ellis, hon. G. A.
Fergusson, sir R. C.
Fitzgerald, lord
Folkestone, lord
Forbes, C.
Fane, John
Fleming, John
Gordon, R.
Grattan, John
Griffith, J. W.
Guise, sir W.
Gurney, H.
Gipps, G.
Gaskell, Ben.
Harbord, hon. E.
Hobhouse, J. C.
Honywood, J. P.
Hume, J.
Haldimand, W.
James, W.
Keck, G. A. L.
Lennard, T. B.
Lockhart, J. J.
Lister, R. L.
Langston, J. H.
Macdonald, Jas.
Martin, J.
Milbank, M.
Milton, visct.
Monck, J. B.
Moore, P.
Maxwell, J.
Noel, sir G.
Ord, W.
Palmer, C. F.
Ricardo, D.
Robinson, sir G
Rumbold, C.
Rice, T. S.
Rickford, W.
Smith, G.
Smith, S.
Smith, A.
Smith, J.
Smith, W.
Sefton, earl of
Sykes, D.
Sebright, sir J.
Tavistock, marq. of
Townshend, lord C.
Webbe, Ed.
Western, C. C.
Wharton, J.
Whitbread, S. C.
Wood, alderman
Wells, John
Williams, W.

TELLERS.

Bernal, R.
Bennet, hon. H. G.

HOUSE OF LORDS.

Tuesday, June 19.

Irish Stationery.] The Earl of *Darnley*, on rising to make his promised motion respecting the supply of Stationery to the government offices in Ireland, said, that he rose to perform a duty in some respects painful, as he should be obliged to make some personal observations on alluding to the papers before the House. Of the individual to whom those papers referred he knew nothing. That individual was, at the present moment, lord mayor of Dublin; it would, therefore, become a part of his official duty to receive his majesty, if he should carry his intention of visiting Ireland into effect; and in doing so, he had no doubt that his majesty would experience a very warm and a very Irish reception. It was, however, a matter of regret to him, that the person with whose conduct the present question was connected, had always been a warm partizan of principles which he had as constantly opposed, he meant that of hostility to the catholics. But whatever his feelings might be, he was resolved to do his duty; and if the task he had to perform appeared in any respect invidious, the fault was not in him, but in those by whose conduct he was compelled to undertake it. The noble earl then went into the detail of the charges contained in the following resolutions, with the moving of which he concluded:

"That it appears, by papers laid before this House, that on the 20th December, 1780, a patent was granted by his late majesty to Abraham Bradley and Abraham Bradley King, and the survivor of them, during his majesty's pleasure, to serve with stationery ware all offices within his kingdom of Ireland, which were supplied therewith, at his proper charge.

"That in consequence of claims made, and allowed at different times under the

said patent, the said Abraham Bradley King has for many years past enjoyed the exclusive monopoly of furnishing the principal departments of government in Ireland, with Stationery, and that during the last ten years the sum of 228,606*l.* 17*s.* 8¼*d.* appears to have been paid by government to the aforesaid patentee, the average of which, calculated on the number of years in each case, will be found to amount to 35,129*l.* 13*s.* 8*d.* per annum.

"That in the year 1814, it appears that the said 'Abraham Bradley King, his majesty's stationer for Ireland, having claimed the right, as patentee of the Crown, to supply the Excise department with Stationery for its use, he was recognised by government as having a preferable claim thereto, provided he undertook to supply them of as good a quality, and at the same prices at which they could be procured from any respectable and unexceptionable person in Dublin.'

"That in the supply of Stationery to the Excise department, by the said Abraham Bradley King, considerable frauds and impositions appear to have been practised in the binding branch thereof, amounting to an overcharge of 1,192*l.* 16*s.* 6*d.* 'without adverting to any overcharges which may have been made for similar books in the quarterly bills, which could not then be ascertained.' In consequence of which, and 'having fully considered the premises, and the whole of the matter as it stood before them,' the Board 'were of opinion that Alderman King had forfeited his preferable claim to supply that department with stationery.'

"That, notwithstanding the foregoing circumstances, and this declared opinion of the Commissioners of Excise, the Board is still supplied with Stationery by the patentee, 'on the same conditions as previously,' by the express directions of the government of Ireland.

"That in addition to the frauds so detected in the binding branch of Stationery supplied to the Excise, it appears by a letter from James Roe, first clerk in the Stationery Stores, to the Commissioners of Excise, dated 18th February, 1819, that the quality of the paper generally supplied by the stationer (the said Alderman King), for the use of that department, was very inferior, although the price allowed by the Board for each description, was such that certainly the very best quality of each should be supplied, and that if it bore a fair ratio with the price charged, the officers would have had no reason to complain, as they generally did, of the badness of what was furnished them for revenue purposes. That 'in the last bill furnished by the stationer' (the said Abraham Bradley King), 'there was a charge for 109 reams of Second Imperial, charged at 5*l.* 6*s.* 8*d.* per ream, which judges more competent than himself valued at no more than 2*l.* 10*s.* per ream, making a difference in that item of the bill of 308*l.* 16*s.* 8*d.*'

"That by the report of Mr. James Bourns, Inspector of Paper Duties, it appears that the prices charged by the said patentee to the Board of Excise, were, in his opinion, 'regulated by the highest or retail scale for articles of the best qualities,' but that of the papers in store, very few were, in his opinion, of the best qualities, and the quality of the inferior denominations was extremely low.'

"That by the letter of James Roe aforesaid, to the Honourable the Commissioners of Excise, dated March 16, 1819, it appears that 8,276 reams of paper of various denominations had been 'received from the said patentee,' on which, according to the estimate of Mr. Bourns, there was an overcharge of 6,162*l.* 18*s.* 5*d.* but it does not appear by the papers before the House, that the difference between the prices and qualities of the paper so furnished by the patentee, and its actual value has occasioned any proceedings on the part of the Board of Excise, or of any other department of government.

"That, under all the circumstances of the case, as set forth in the papers before the House, it appears that the public interests have materially suffered under a Patent of Monopoly, vicious in principle, and in practice liable to the greatest abuses."

Lord *Sidmouth* said, that the frauds which had been discovered were committed by a person named Fox, who was in the service of alderman King, but who had derived no advantage from them himself, and that there had been neglect on the part of the persons who now came forward to complain in not detecting the mal-practices sooner. The man by whom the practices had been committed had been originally employed by Mr. Woodmason, who formerly supplied the articles, and continued by Mr. King. But

the frauds could not have gone on, had not the persons in the different departments neglected their duty of examination. From the papers before the House, their lordships would see that there was no ground for presuming fraud against alderman King, or any neglect of inquiry on the part of his majesty's government. With regard to the overcharges, an inquiry was making; but he believed that the prices paid for stationery in England would not form a fair criterion for determining what the prices in Ireland ought to be. The lord-lieutenant had, however, caused an inquiry to be instituted, and if there should appear proof of intentional overcharge, he would enforce the right he possessed of taking the supply out of the hands of alderman King. The investigation was at this moment actively prosecuting; and, under such circumstances, he should move the previous question.

The Marquis of *Lansdown* expressed his satisfaction that the investigation was going forward. It appeared, notwithstanding the argument of the noble lord, that the public was a loser in a definite degree, but to what extent was not yet known. Judging from the papers in his hand and the accounts he had received, the inference seemed to be that double price was charged, and in some instances, more than that upon the articles provided by the alderman. The negligence of the officer could not be pleaded in excuse for the commission of fraud, and it was incumbent on the government to punish abuses, especially when they were connected with power.

The Earl of *Limerick* thought that the case was one of great suspicion, especially when he was told that the person who committed the fraud derived no benefit from it, and that the alderman was ignorant of what was done.

The previous question was agreed to.

HOUSE OF COMMONS.

Wednesday, June 20

Burning of Hindoo Widows.] Mr. *Fowell Buxton* rose to move for Copies or Extracts of all Communications from India, respecting the Burning of Females on the Funeral Piles of their Husbands. In introducing this question, he disclaimed all intention of casting reproach upon any body; for he was aware that a feeling of delicacy upon the superstition of the natives alone restrained the British authorities from interfering to prevent these dreadful spectacles. Still the question was not, in fact, one of religious toleration; but whether murder and suicide ought tacitly to be permitted under the British jurisdiction. It might be sufficient for his purpose to state the extent to which this shocking practice had been carried in one presidency alone—he meant that of Fort William. Within the last four years, in that presidency, 2,366 females had been seen to ascend and perish upon the funeral piles of their husbands. That was the number that had openly perished under the eyes of the magistracy, exclusive of the number which had been consumed in secret, or by the connivance of a mercenary police. By the Mahommedan law the practice was discountenanced, and therefore in many places discontinued; but it was to be regretted that it still prevailed to a great extent in countries under the British jurisdiction. Not only had the disciples of Mahomet abolished this practice, but the French, Dutch, and Danes had accomplished the same object in their East Indian settlements. Many of the native princes, amongst whom were the rajah of Travancore, and the peishwa, the latter of whom was a Hindoo and a brahmin, had also put an end to this revolting custom. He hoped that, when the proper time arrived, the British government would exert their utmost efforts to extinguish so great an evil, and show that they would not be behind-hand with their predecessors in the great work of justice and humanity. He did not wish any thing to be done on this subject which would be likely to excite the apprehension of the natives of India, or to shock their religious feelings or prejudices; but he certainly was anxious that steps should be taken to prove the detestation with which this government viewed so abominable a practice. Many of these murders took place contrary to the Hindoo law itself. By that law, females under 16 years of age were not allowed to ascend the funeral pile; yet, it would appear from the papers for which he was about to move, that girls of 12, 13, and 14 years of age had been sacrificed; and, in one instance, a child of eight years old became a victim to the barbarous custom. By the Hindoo law those widows were also exempted, who in the event of their death, should leave children behind them under 3 years of age, unless some security was given that

the infants would be taken care of. It was also specifically set down, that the sacrifice should be perfectly voluntary—that no drugs should be administered for the purpose of causing intoxication; but these provisions of the Hindoo law were not complied with. No later than yesterday he had a conversation on this subject with a most respectable gentleman, the rev. Mr. Thompson, one of the East India Company's chaplains, who stated, that as he was sailing on a river in the neighbourhood of Calcutta, he observed a crowd on the bank, and found that the people had assembled for the purpose of witnessing the burning of a widow, who was then performing her last ablution. When that part of the ceremony was concluded, she was led to the pile, but she fainted repeatedly. The people began to grow impatient; and she was at last placed on the pile in an insensible state, and lashed to the dead body of her husband. The unfortunate creature, however, recovered her senses, and struggled to escape. A brahmin immediately placed a torch, in the hand of one of her children, who set fire to the pile, and the whole was consumed in a few minutes. He had also been informed of an instance where the family of the individual had not money to procure wood enough to form a proper pile. In that case, the child of the parties about to be consumed began by applying fire to the face of his deceased father, and then proceeded to place the flame beneath the body of his living mother. The fire soon took effect, but it was a considerable time before the sufferings of the unhappy woman were terminated. Though he did not think it would be proper to put an end to this practice by force, yet he was of opinion that the natives of India ought to be restrained within the laws of their own religion. Beyond these they should not be suffered to depart. All these evils arose from one cause—the ignorance of the natives; and the only cure for them was their instruction. Every person, therefore, must perceive how imperative it was on the government of the country, to extend as far as possible the benefits of education to the natives of India. He was happy to observe what had been done by the governor-general with reference to this object. The natives began to admit the superiority of European intellect, and the gratitude they felt for the benefits which were conferred on them led them to believe that those by whom they were now governed must, in some former period, have moved in a more exalted state of existence, as they could not otherwise account for the virtue, wisdom, and talents, which they displayed. The hon. gentleman then moved "for Copies or Extracts of all Communications received from India relative to the Burning of Females on the Funeral Piles of their Husbands."

Mr. *Bathurst* doubted the expediency of European interference. It was admitted that great exertions had been made by the governors in India to put down the dreadful practice in question. One effect of those exertions, however, had been to invite breaches of the native law; and it was a melancholy fact, that in consequence of that circumstance the interference of the Indian governors had led to an increase of the number of victims. If any mode were to be adopted for confining the natives to the letter of their own laws, it could be carried into effect only by causing a European officer to superintend those dreadful executions, which would be to give a sanction to them on our part. He therefore doubted the policy of any direct interference. It was a strong fact, that the practice was not at present allowed either in Madras or Calcutta; the consequence of which was, that the destined victims were taken to be sacrificed out of the boundaries of those towns. He was persuaded that the gradual dissemination of knowledge among the natives was more calculated to produce a beneficial effect on this subject than any forcible interference on our part.

Mr. *Wilberforce* willingly admitted that the government of India had made great efforts to abolish the dreadful practice. Undoubtedly he was an enemy to compulsory proceedings; but provided the prejudices of the Hindoos were not insulted, he was convinced that no people in the world would more willingly listen to instructions in religion and manners. It had been proposed to institute a college at Calcutta, for the purpose of educating and preparing missionaries, to be sent among the Hindoos. Indeed, by proper attention to certain essential points, he had no doubt that the conversion of these people might be effected. It was a mistake to suppose that this practice of immolation was in general voluntary. There were very few cases in which it was so. A reluctant consent was extort-

ed; but when the unfortunate victim came to the pile, she frequently shrunk from the consummation when it was too late, the priests taking care to prevent all retreat, and in some cases even proceeding to tie the unhappy female down to the logs of which the pile was composed.

Mr. *Hume* said, that about the years 1793, 1794, and 1795, several regulations were made on the subject which had a most beneficial effect. The impression on his mind was, that in Benares, where most of the burnings took place, the practice had almost disappeared. If the treatment of asses and mules were a fit subject for parliamentary consideration, surely the treatment of thousands of human beings was so. Many of those unhappy individuals were sacrificed to the interest of the parties connected with them. The heirs of their husbands' property induced the brahmins to persuade them that they would go to heaven by making this sacrifice, in order that that property might come unburdened into their hands. In his opinion, the government of India might counteract the evil by strong regulations, and among others, by charging a thousand or two of rupees for a licence to perform the sacrifice.

Mr. *Canning* observed, that whatever difference of opinion there might exist on other points of this interesting subject, there were two on which all must agree—first, that it would be in the highest degree gratifying to the feelings of the House, if the inhuman practice in question could be completely put down; secondly, that it would be extremely inexpedient that any attempt should be made to put it down by coercion. It was with a reference to both those considerations that parliament ought to act, and hon. gentlemen ought especially to bear in mind, that of all the exercises of human authority and discretion, the most delicate and difficult was such an interference on the part of a superior power with an inferior, as, while on the one hand it should be effectual, on the other hand it should be divested of that harshness of character which too frequently belonged even to the appearance of control. He apprehended that the effect of any manifestation of a direct interference of authority, would be not so much to stimulate a government which evidently required no stimulus, as to alarm the natives and, perhaps, even to render necessary some relaxation in the measures already adopted to eradicate so barbarous a usage. Very far was he from contending that every possible effort ought not to be made to put down the barbarous practice in question, by reasoning and by the diffusion of knowledge. But in that case, the greatest attention ought to be paid to the feelings of the people; otherwise, with that repugnance to control which was inherent in human nature, they would shrink from foreign interposition, and the habits which a milder course might eventually have subdued, would be rendered still more firm and inveterate. An observance of this principle in our conduct to the natives of India was especially expedient, as we might shake and loosen that cement by which they were now bound in affection and gratitude to the British government. We must look for amelioration in the improvement of the people in the arts of peace, and in the gradual introduction of a purer system of morals and religion. The policy of the Mahometan conquerors of India had been held out for our imitation. But was the conduct of Mussulmans to be the guide of Christians? The religion of Mahomet was one of conquest; the religion of Christ was one of persuasion. The former triumphed by power; the latter triumphed in spite of power. We must be content to pursue a slow and silent and forbearing course before we could hope for the extinction of that ignorance of which superstition was the invariable concomitant.—After a short reply, the motion was agreed to.

State of Europe.] Mr. *Hutchinson* said, that his object, in making the present motion, was, to support the cause of liberty all over Europe—that liberty which was seriously threatened by the conduct of the allied sovereigns. Indeed, he thought that the present state of Europe was most awful. He would refer back, but not in detail, to those events which had, in his view of the subject, been carried on for years, for the purpose of subverting liberty, and which had produced that confusion and dismay which now existed in many parts of the continent. If the allied sovereigns pursued the conduct lately pursued by them, and if the noble marquis opposite went on supporting them as he had done, instead of opposing their proceedings, then he would say that the noble marquis and his colleagues were

abetting and supporting that system which would, if not checked in time, be productive of the most fatal results. The whole of the continental system, of which the noble marquis was an active supporter, was in violation of all the principles upon which this country had engaged in the late wars. In 1793, it was declared by this country, in a declaration of ministers, that its object was, to put down military aggression. It was said that both the throne and the altar of this country were in danger, in consequence of what took place in France at that period. The same principles were pretended to be acted upon in the war of 1803. We engaged in that war, as it was said, to protect the liberties of mankind, and for the purpose of protecting the independence of the minor states of Europe. The same thing was repeated in 1814-15; but the peace of 1814-15 was in direct violation of the principles upon which we made war in 1793 and in 1803—wars which were carried on with the loss of so much blood and treasure. If the House would refer to the Treaty of Vienna, they would see that the peace was made on principles of spoliation and oppression. Belgium was given to Holland; the territories of Hanover were increased; Prussia was aggrandized by the annexation of a part of Saxony; Venice was given to Austria; Genoa was given to Sardinia; and the liberties of Sicily were destroyed. What, then, was this but a peace of spoliation? It was said that the overthrow of Buonaparte would put down tyranny. He had hoped that the sovereigns, profiting by experience, would have rewarded their subjects by restoring to them those rights which belonged to them, as they had solemnly sworn to do. But how did they proceed? The noble lord would say that he was not accountable for the conduct of the allied sovereigns. But the noble lord had made himself a party to those acts, as, according to the papers before him, the allied sovereigns declared that their whole proceedings were founded on the principles laid down at the Congress of Vienna, and that in those principles they were determined to persevere. What were those principles? Naples wished to establish, and did establish a free constitution, Austria and Russia interfered, and what was the consequence? They put down the feelings and wishes of the people, and restored things to their former situation. He maintained, that the object of the allies was aggrandizement. There was not in Europe a more ambitious power than Russia. The noble lord knew that the military establishments both of Russia and Austria were immense, and he (Mr. H.) maintained, that their only object was, to tyrannize over smaller states. The hon. member complained that ministers had not only done every thing in their power to countenance the holy alliance, but they had, in fact, endeavoured in some measure to imitate them in the measures introduced here. We had repeated suspensions of the Habeas Corpus act; ministers refused all inquiry into the most desperate outrage that had been committed upon the people of any country; we had also the bills of the noble lord, throwing the greatest difficulties in the way of the right of petition. They had also that system of espionage which had been encouraged of late years to a most lamentable extent; and lastly, they had that dreadful combination (the Constitutional Association) to which the names of men of rank and fortune, of peers and members of parliament were attached, by which the system was encouraged and carried on. The hon. member next condemned in strong terms the introduction of the Alien bill, which he observed was only for the purpose of making ministers the head police officers of the continental sovereigns, and to enable them the more effectually to carry on their despotic designs. He next adverted to a report which had reached him of an Italian priest, who, on his return from St. Helena, had been prevented from landing in this country. The noble lord had stigmatized those Italians, who struggled for liberty, with the name of Carbonari. He might as well call the hon. member for Aberdeen and those other members who sought to reform abuses here, the Carbonari of England; those who pointed out abuses in Ireland, the Carbonari of that country: and so of the friends of liberty in France, Germany, or any other part of Europe. He next alluded to the detention of Buonaparte in St. Helena, and condemned the part which this country had taken in that transaction. It was said, that Napoleon's detention in prison was to put down tyranny—but had it that effect? How could a pretence of this kind be urged, when the allies were daily committing acts of the greatest tyranny, without even a shadow of those excuses which might be

pleaded for Napoleon? Had that imprisonment given peace or satisfaction to Europe? Were not Austria and Russia, in interfering with Naples, and in objecting to the constitution of Spain, guilty of greater tyranny than Buonaparte? Upon what ground, then, could we pretend to continue any longer the gaolers of that individual?—Adverting to the declaration from Troppau, he wished to know whether the noble lord approved of that paper? He did not hesitate to declare, that it was as unqualified tyranny as had ever been promulgated. The declaration from Laybach began by stating, that the conduct of the allies was founded upon the principles laid down at the Congress of Vienna. The hon. gentleman, after commenting on this state paper, observed, that, if he could suppose that the ministers of this country were to make an open attempt to put down the liberties of the people, the governments of Austria and of Russia, acting upon the principles avowed by those powers, would aid them in such an attempt, and would treat the people of England, if they resisted, as rebels. If the noble lord would, in such a case, send out ships, those legitimate monarchs would be ready to send over troops to crush the spirit of liberty. There could be no doubt but that the leading principle of the allied monarchs was, to suppress every attempt to correct ancient abuses, or to enlarge the liberties of mankind. Russia would have sent its mercenaries into Spain, with as much readiness as Austria sent her troops to Naples, if circumstances had not rendered such a step hazardous for the present. The hon. gentleman next adverted to the present state of Greece. Russia had an immense army hanging upon that country; and Austria had another prepared to march. No person could contemplate without horror, the atrocity perpetrated by the barbarous Turk in that devoted country; but much as he should rejoice to see the Greeks relieved from slavery, he was not yet satisfied with the conduct of Austria and Russia; the object of those powers was, not to give freedom to Greece; but by availing herself of the present commotion, Russia looked for an ascendancy in the states of Greece.—The hon. gentleman next adverted to the present state of Naples. Her gaols were filled with thousands of persons whose only crime was, that they acted under the authority of their king, whom the allied monarchs had, in the most disgraceful manner, summoned before them at Laybach. All these odious proceedings were adopted under the eye of the Austrian force. Much as he deplored the present distresses of the country, he yet did not see how England could any longer tolerate the insolent pretensions of foreign powers: better by far would it be for her to speak her sentiments boldly and openly at once; for if she remained silent much longer, Europe in all probability would suffer unheard-of convulsions. The noble lord wanted peace; but peace purchased by an acquiescence in all the acts of ambitious and unprincipled governments, was not the peace for England. With respect to Spain, he believed that all the troubles of that country were to be attributed to the hostile views of the allies. The people were not, could not be contented. Europe must, indeed it ought to be, convulsed. If he were a subject of any of those countries which had been attacked, he would sooner die than submit. The allied powers made the proceedings at the Congress of Vienna, to which the noble lord was a party, the groundwork of their subsequent policy. It remained for the noble lord to disavow any participation in their acts—in their aggressions on independent states—in their barbarous proscription—in their undisguised hostility to the liberties of the world. The hon. gentleman concluded with moving, "That an humble Address be presented to his Majesty, stating to his Majesty, that this House, the Representatives of a free and enlightened people, has witnessed with the greatest concern and alarm the events which have lately taken place on the Continent of Europe; and also the open and insulting avowal of pretensions as novel as they are dangerous, and which are in direct opposition to the principles of our own Revolution, and to the independence of all other nations; and humbly requesting his Majesty to use his influence and authority to secure to the Minor States of Europe their undoubted, and till now undisputed right to choose their own form of Government; and also, to remonstrate with his Majesty's Allies on the assumption of powers never before claimed, which introduce new principles into the Laws of Nations, in direct opposition to all former practice and precedent, and which, if persevered in and acted upon, would not only prevent the establishment of all rational liberty, but tend to render

perpetual despotisms of the worst kind."

The Marquis of *Londonderry* hoped the hon. gentleman would not consider him wanting in respect, if he declined to follow him in his general attack upon the foreign and domestic policy of the government of this country for the last thirty years. He should consider the motion and the statement which accompanied it, as a protest against the policy pursued by the government in its domestic and foreign relations. With respect to himself, the hon. gentleman attributed to him a station of more importance in those transactions than properly belonged to him. He for a great part of the period which the views of the hon. gentleman embraced was not in a station which could enable him to influence the policy of the country. It certainly might be a satisfaction to the hon. gentleman to put upon record his protest, but more he could not do, because it was utterly impossible for the House to come to any conclusion upon the various topics touched on. The hon. gentleman ascribed to the government something like a disposition to encourage tyranny. He would only say, that whilst he considered the policy of government in a very different point of view from the hon. gentleman, he was yet as sincere a friend to rational liberty as the hon. gentleman or any other man. That House were the natural guardians of the liberties of England, not the regulators of the policy or conduct of other countries. However anxious this country might be to see the principles of liberty diffused, they surely could not wish to see the government take up every state paper issued by other governments to censure and disapprove of it. He protested against the mode of review adopted by the hon. member; and as the hon. member had protested against the system of government in this country, the House could not do better than leave the subject with protest against protest.

Sir *R. Wilson* said, the noble lord forgot that the manifestoes and documents alluded to were accompanied with arms, with invasion and occupation, with bloodshed and oppression. The allied powers stood condemned, not by documents, but by acts. They showed their love of independence by invading independent nations. They testified their love of liberty by proscribing a whole nation of the damnable heresy of a constitutional creed. They consigned to punishment in Italy more persons in two months, than the French government had done in two years. Their liberty of the press was, to suffer no book to be printed but at the government press. Their attachment to monarchy was manifested by placing on a throne, one who left his people pledged to support their rights, and returned to consign them to death or imprisonment. The allied powers had declared that they would recognize no change but such as should emanate from the well-weighed consideration of those whom God had made responsible for the exercise of power. This restored monarch was one of the enlightened persons whom God thus made responsible. As a proof of his enlightened wisdom he appointed two chambers, and reserved to himself to reward the second according to their services. This was the constitution which this enlightened and responsible monarch gave. It was a select-vestry government. Such had been the treachery of that government, that all the circumstances of the dispersion of the army, had been the subject of official communications to the courts of foreign nations. He would support the motion of his hon. friend.

After a short reply, the House divided: Ayes, 28; Noes, 117.

List of the Minority.

Abercromby, hon. J.	Maberly, W. L.
Allen, J. H.	Macdonald, J.
Bennet, hon. H. G.	Martin, J.
Bury, lord	Monck, J. B.
Birch, Jos.	Moore, Ab.
Carter, J.	Ord, W.
Calcraft, J.	Ossulston, lord
Duncannon, visct.	Palmer, C. F.
Folkestone, visct.	Rice, T. S.
Griffiths, J. W.	Scarlett, J.
Haldimand, W.	Sykes, D.
Harbord, hon. E.	Whitbread, W.
Hume, Jos.	Whitbread, S. C.
Honywood, W. P.	TELLERS.
James, W.	Hutchinson, hon. C.
Maberly, J.	Wilson, sir R.

POOR RELIEF BILL.] On the order of the day for the further consideration of the report of this bill,

Mr. *Calcraft* said, he could not see the grounds on which any one of the propositions contained in this bill ought to meet with the approbation of the House. He was of opinion, that the evils said to result from the Poor-laws were greatly exaggerated. Being a friend to the principle of those laws, he was necessarily a friend to an unrestricted and compulsory

levy for the maintenance of the poor. The first proposition of his learned friend went to cut up this entirely; and to fix a maximum, beyond which no levy should be raised. His learned friend, however, soon felt doubtful of the propriety of such a proposition; and the principle of a maximum was now entirely done away with. The second was, that no relief should be given to any man able to work, who should marry after the passing of the bill. Any person acquainted with the manufacturing districts, must know that a great demand for hands might exist at one period, and, at another, owing to the caprice of fashion or other causes, that it would be impossible for workmen to obtain employment that would support themselves, much less their families. How was it possible, then, to refuse relief to persons in this situation? If the proposition were carried into effect, it must be attended with one of two alternatives—starvation or intestine commotion. He was equally adverse to the third proposition of his learned friend, which went to abrogate the law of settlements. He would appeal to the House, whether any of the three propositions could possibly assume the shape of law. His learned friend said that the effect of the Poor-laws was, to injure the morals and destroy the energies of the people; but he thought that if the morals of the people of the present day were compared with those of their ancestors at any period of our history, the comparison would not be disadvantageous to the present generation. Who could say that any people ever existed, braver, more heroic, or more industrious than the English people of the present day? His learned friend had stated, as an objection to the law of settlement, that it prevented a free circulation of labour. He denied that a free circulation of labour did not exist in this country. He thought the argument was contradicted by the number of hands employed in public works in distant parts. He denied, also, that the Poor-laws had the effect of increasing the population to such an extent as was asserted by the supporters of the bill. There were other causes much more likely to produce that effect than the operation of the Poor-laws. The high price of labour during the war, and the increased pay given to soldiers, were circumstances tending to the increase of population as much as any cause that could be assigned. No time could have been selected more inapplicable than the present for trying the experiment. Let the House consider the stagnation which existed in every branch of trade. The only favourable circumstance for the introduction of the measure was, the low price of provisions. But the wages were also low, owing to the superabundant supply of labour. It should be recollected, that a large portion of the poor-rates was applied as the wages of labour. If the present amount of those rates was compared with the amount sixty years ago, it would be found that they had only increased in proportion to the increase in the price of provisions, in the amount of taxation, and in the rental of the kingdom. The weight of the poor-rates fell exclusively on the land, whilst another species of property, which was in point of law equally liable with the land to the support of the poor, bore no part of the burthen. He trusted that in the next session this subject would be treated in a more comprehensive manner than was now possible, and that it would undergo the ordeal of a committee, before any propositions were made respecting it.

Mr. *Lockhart* denied that the poor had been represented as a demoralised people. The argument was, that the existing laws had a tendency to make them so.

Mr. *F. Lewis* agreed in the great objects of the bill before the House, but regretted that he could not support its provisions. The present system, if continued, would in time destroy the foundations of our national prosperity. He traced the increase of the poor-rates from the year 1748, when they amounted only to 690,000*l.*, to the year 1820, when they considerably exceeded eight millions. He pressed upon the House the injurious effect of the existing laws upon the lower orders. He objected especially to the change which the bill attempted to introduce in the law of settlement, because the effect of it would inevitably be to place paupers in a worse situation. The amount of the poor-rates would be augmented by this measure; and with regard to the maximum suggested, it appeared to him to be incapable of being fixed. The true remedy was not to be found so much in new enactments, as in a strict examination of the law as it now stood, and a declaration of what it was meant to be by our ancestors, and what it ought to be in future.

The debate was then, upon the motion of sir R. Wilson, adjourned till tomorrow.

HOUSE OF LORDS.
Thursday, June 21.

Criminal Laws.] On the order of the day for the second reading of the Privately Stealing in Dwelling-house bill being read,

The Marquis of *Lansdown* stated, that it was his intention to move also the second reading of the bill for mitigating the punishment annexed to the commission of robbery upon rivers, which was founded on the same principle. The object of the two bills was, to take away the penalty of death from the offences to which they referred, and to substitute transportation for life, or imprisonment and hard labour. The provisions of the bill relating to robbery on navigable rivers was extended in the committee to robberies committed on canals, and he thought no difference of opinion could arise as to the propriety of extending the same protection to property in both cases. In proposing an alteration of this nature, it was to be observed that the change would extend no further than the particular subjects specified in the enactments. It did not, therefore, affect the general system of our laws. The fact was, that our criminal code had grown up, unlike the codes of other countries, which were founded upon one general system; it consisted of particular laws, which were urged by temporary and local circumstances, and the consequence was, that the penalty of death had accumulated in a degree unparalleled. The government, he contended, must find it inconvenient and inexpedient to maintain those severe penalties in cases where they were opposed, not only to public opinion, but to the opinion of those whose property they were intended to protect, as well as to those of the judges and juries by whom they were ultimately to be administered. Their lordships would find, that in the general opinion of this country, the laws which the present bills were intended to mitigate were too severe; and it could be proved, that instead of deterring from crime, the effect of their operation was, to increase it, by the impunity which the reluctance of individuals to prosecute held out to offenders. It might appear, on the first view, that the removal of these severe penalties would have the effect of encouraging crime, but their lordships would find, with regard to certain crimes made capital under the excise laws, that in the opinion of the solicitor of the excise himself, the attempt to increase the penalties had the effect opposite to that which was intended, and that the attempt to protect the revenue by increased punishment, in general protected the fraudulent trader, not the revenue. It was well known that in many cases where robbery in dwelling houses came to be tried, juries had rated property at 39*s*, in order to evade the law, which amounted to 10 or 20 times the value. These bills did not proceed upon mere speculation: there were facts to support the principle upon which they were founded. In 1811, the proprietors of bleaching grounds had petitioned against the severity of the laws enacted to protect their property, on the ground that it prevented convictions. The consequence of the mitigation was, on a comparison of the five years preceding with the five years succeeding the change, that in the first five years the prosecutions amounted to 28, and in the last five years to nine; that in the first five years the acquittals were one third, and in the last none. In Ireland the case was still more striking: during the first five years, out of 61 prosecutions, there were but three convictions; but during the last, the convictions were five fold. When he found, in addition to these facts, that the opinion of the common council of London was in favour of the mitigation of punishments, he felt himself authorised in stating that the trading community would not be injured, but benefitted by those bills. Both bills stood upon the principle of making the law more conformable to public opinion, and by that means more likely to secure the conviction of offenders.

The *Lord Chancellor* admitted, that if the tendency of these bills was, to prevent crime, they ought to be adopted; but the House would do well to hesitate before they adopted that opinion. He would admit, that when first he held a situation connected with the administration of criminal law, he entertained an opinion that the code ought to be rendered more lenient; but after the experience of many years he took a different view, and entertained a different opinion. He would admit that if a man entered a house without breaking in or breaking out, and stole to the amount of 40*s*. the penalty of death would be too severe for the offence. But add one or two circumstances, and see how the case would stand. Suppose he had so entered an unprotected cottage,

and stolen the whole savings of an industrious life—was that an offence in which severity could be complained of? No man had said that benefit of clergy ought to be extended to those who committed burglary; but the circumstances of breaking in or breaking out, and of perpetrating the act in the night time, constituted the only difference, and there were many instances in which the mischief to the individual and the public was greater in the former case than in cases of burglary. The best way, therefore, was, to leave the selection, to the discretion of the judges. He denied that prosecutors and jurors were unwilling to act, though he admitted, that, to the honour of the country there existed a great anxiety upon all hands that the laws should be administered with the greatest lenity. For these reasons he could not give his consent to alter the existing laws.

The Earl of *Carnarvon* maintained that while the laws were continued in their present severity, they could not answer the ends of public justice. He had himself abstained from prosecuting in one instance for that reason.

Lord *Sidmouth* observed, that the very fact of the increase of crime in late years, was drawn from the increase of prosecutions; and unless the advocates of these bills could show, that while crime was increasing prosecutions were stationary, the principle on which their advocacy was founded must fall to the ground. The great incentive to crime consisted, not in the uncertainty of prosecution, but in the chance of escaping capital punishment, and the insufficiency of secondary punishments. He could state cases in which the increase of punishment had diminished the offence, and particularly with respect to the commission of robberies upon rivers; which since the capital punishment was annexed, had almost ceased. Feeling the importance of protecting the property of his fellow subjects, he dared not agree to the motion, which would operate as an encouragement to crime.

Lord *Calthorpe* supported the bills, as they went to remove inconsistencies in the law, and did not reflect upon those concerned in the administration of it.

Lord *King* thought, that the disproportion in the convictions stated by the noble viscount was an argument in favour of the bill. The late increase of crime was admitted upon all hands; but he lamented that there was a disposition to prevent any improvement in the law upon the part of those who were at the head of the administration of criminal justice.

The House divided: Contents, 17; Not-Contents, 27: Majority, 10.

HOUSE OF COMMONS.

Thursday, June 21.

AFFAIRS OF SICILY.] Lord *W. Bentinck* rose to bring forward his motion respecting the Affairs of Sicily. In presenting himself for the first time to the notice of the House after being so many years a member, he trusted they would readily believe him, when he declared the extreme reluctance he felt on the present occasion. He might have easily found more competent persons to have brought forward this question: he could have put them in possession of all the information which he had upon the subject; but he was not equally aware that he could transfer to them, even humble as it was, that weight and authority which, from particular circumstances, he must be supposed to have acquired in the history of these transactions. Still more impossible would it have been for him to infuse into a stranger, that cordial attachment and affection towards a people, which he cherished in his own bosom for the cooperation they had afforded him, and the benefit which had been reaped from their conduct. He who had had an opportunity of seeing the progressive improvement of Sicily, and had had the mortification of seeing all the best rights and privileges of the people taken away; their prospects blasted, and themselves, after the promises held out to them, placed in a worse situation than they were in before the British had been among them—he who had seen all these things, must be supposed to feel deeply upon such an occasion. He had no personal vanity to gratify; his sole object was, to complain, that liberty had not been practically granted to a people to whom it was promised—a promise in which he conceived the honour of the country was involved, and the due fulfilment of which was loudly required by the people, though in a manner in no degree inconsistent with the principles or declarations of the parties concurring in the Holy Alliance. The late manifesto of the allied monarchs at Laybach declared their determination not to countenance any form of constitution not legally established. The liberty required

for the people of Sicily had been, he would contend, as legally pledged, and upon authority as legitimately sacred, as that which bound the governments of these sovereigns themselves. In asserting this on behalf of the Sicilians, he pledged his word of honour that he did not step forward at the instigation of any individual or party; he had received no solicitation whatever, neither had he had any communication with Sicily since he left that country. When he quitted Sicily there were two conditions solemnly stipulated for, on the part of the people. One, that no individual should be molested for his connexion with the English while they administered the affairs of the island; the other, that their rights and privileges should not be impaired by the transfer of their administration. So far from these stipulations having been fulfilled, there never was a more complete annihilation of all rights and privileges than that which followed. If the House followed him in that view of the subject, what better time could occur for enforcing their sense of justice, than when the king of Naples was about (as he had promised) to put the constitution of the Sicilians upon a solid basis? The grounds of the occupation of Sicily by the British were perhaps generally known. In 1805, the royal family quitted their residence at Naples, and retired to Sicily, were they had the protection of a British army. Murat had then possession of Naples, and meditated the invasion of Sicily. Sir John Stuart at that time, could only get from the Sicilian government one regiment of cavalry to assist in the defence of their country; and at length, when Murat's invasion actually took place, it was repelled by the valour of British troops, aided, not so much by the Sicilian government as by the voluntary efforts of some of the Sicilian people. The first six years of the occupation of Sicily passed on in much the same spirit with the local government; and it was at length determined that a more efficient attempt should be made to place matters on a better footing. A noble marquis (Wellesley) who had presided over the affairs of India with so much honour, then filled the office of secretary of state for foreign affairs; and he would venture to say, that of all the enlightened counsels which have marked the progress of the administration of that noble lord in various parts of the world, there was none which did him more honour than the line of policy which he recommended to be followed with respect to Sicily.

The instructions now laid upon the table, with which our connection with Sicily terminated, appeared to be dictated by the same spirit of liberality. There was, however, this unfortunate difference to be remarked, that in the one case the instructions were completely executed, and in the other they had been *vox et præterea nihil*. These instructions made no sort of impression on the Neapolitan government; and the consequence was, that more decided measures were adopted, and the policy of the state was completely changed. The Neapolitan advisers were withdrawn, and Sicilian ministers were placed in their stead. Unfortunately, the king made his appearance at that moment. He said unfortunately, because it led to a sort of feeling, that the king did not mean to agree to the changes proposed; and it was feared, that if he pursued the measures which had formerly been sanctioned, he would destroy the prosperity of the country, by annihilating the new constitution. Under these circumstances the hereditary prince was appointed to a commanding situation; and having had the honour of being placed near his person, he could bear testimony to the excellence of his conduct. Sicilian ministers having been appointed, the whole of the new code was carried completely into execution. Every thing went on well. In the course of nine months, 7,000 men were detached to Spain, and in a few months more than double that number were available. The Neapolitan army, which before that period was wholly useless, soon became worthy of assisting the general force. The constitution was faithfully executed in all its parts. The general who commanded well knew the sufferings which the people had undergone; and was anxious to prevent their recurrence. He was perfectly acquainted with the cruelties that were practised in 1809 and 1810; he was aware of the severity exercised towards five barons of the island, who were sent off, *à la Romeo*, without any trial, and confined in five different places. As he was conversant with the conditions appertaining to the new state of things, he exerted his best efforts to have them properly observed. The conditions required that the lives, liberties, privileges, and happiness of the Sicilians should not be less the care of the state than they for-

merly were. The old constitution of Sicily had existed for centuries, and had been respected by every monarch of Europe. Sicily was free—it had a constitution of its own—certainly a very independant one. Though connected with Naples, it possessed very important privileges. It had its own flag; it coined its own money; and it possessed its own parliament. That parliament, it was true, assembled only once in four years; but it exercised the power of voting taxes for that period, and of seeing that they were applied to the purposes for which they were voted. During the interval between each meeting of parliament, a deputation was appointed from its own body, to inspect the collection of the revenue, and see that it was applied to no other purpose than that which was intended. When the new Sicilian commissioners came in, they proceeded to reform the abuses that had taken place in the constitution. In 1812, the three houses unanimously agreed on the basis of a new form of constitution. On that occasion, the barons of Sicily presented one of the most glorious spectacles that the world ever beheld: they came forward with the voluntary surrender of their own feudal rights. It was determined to adopt, as far as possible, the form of the British constitution. The three chambers were reduced to two: the Lords spiritual and temporal formed one, and the Commons the other. The parliament met in the years 1813, 1814, and 1815. In 1814, the king resumed the reigns of government, and renewed his oath to observe inviolably the form of government that had been established. In 1815, his majesty went to Naples. With regard to the correct manner in which the various powers of the constitution were executed up to this time, many concurrent testimonies could be adduced; and he thought the noble marquis opposite must have fallen into some mistake when he stated that the instructions of this government, relative to the newly-established constitution of Sicily, were given at the period of our evacuation of that island. The evacuation took place in May, 1814, and the instructions were sent out in September, 1815. Some instructions were, he believed, delivered about the time of the king's proceeding to Naples; because he had learned from two gentlemen who were then at the Sicilian court, that a paper was given in by sir W. A'Court. One of those gentlemen told him, that before the departure of the king, the British minister gave in a document, stating that, from a total change of circumstances, the influence of England was about to cease entirely in the island: that if the government of Sicily required alteration, this country could have no objection to it, provided the alterations were made conformably with the existing laws and the free consent of the nation: the document concluded with an express statement, that England would not allow any violent or arbitrary change in the existing constitution. This memorandum was given by England to Sicily, when we entirely abandoned the Sicilians to their fate; and it was clear that the writer could have had no knowledge of the papers laid on the table by the noble lord.—With respect to the instructions that had been sent out, he was free to confess that if he had had the framing of them, he did not think he could have drawn up any thing better calculated to satisfy the deep interest he felt in the welfare of Sicily. But what efforts were made to give effect to them? None whatever. They were received with joy in Sicily, but they were immediately followed by the decree of the king, which united the two countries. This act of union not only did not support the Sicilian, constitution, but in fact destroyed it altogether; and made Sicily a province of Naples. Thus was Sicily treated. No country in the world was more attached to England; none bore a greater antipathy to Naples, than the power with which it was thus forcibly united. When Murat was in possession of Naples, the people of Sicily were promised an independent government of their own, if their monarch should ever regain the dominions of his ancestors. That promise, however, was not kept. At the time that the revolution took place in Naples, the feelings of the Sicilians were displayed in the clearest light.* About the same period, another revolution broke out in Palermo; but the object of the insurrection in Sicily was evidently different from that of the insurrection at Naples. The first act of the Neapolitans was to attack the people of Palermo; but the resistance of the Palermians was so strong as to force their opponents to retreat. On this subject the House had the evidence of general Church, who commanded at Palermo. An indiscretion of his was said to have occasioned a disturbance; and he had published a justification which com-

pletely established his innocence. General Church said, "That in the middle of a revolting populace, he remained faithful to the sovereign whom he served, and refused to join those who would have compelled him to violate his allegiance." He farther stated, "That every body knew, that for a great length of time the Sicilians desired a change, and that the discontent which reigned amongst them was profound." One of the acts of the king was to fix the sum of 1,842,000 ounces as the *maximum* of the expenditure for Sicily. A grosser imposition never was practised. The calculation was founded on the budget of 1813-14, when the price of produce was nearly double what it was at present. But there were the budgets of 1814-15 and 1815-16, the latter of which estimated the revenue at 1,400,000 ounces; and this ought to have been taken as the standard of expenditure rather than the larger sum. But when the king took on himself to impose what taxes he pleased, how was it possible for the country to go on prosperously? If there were a national council, to examine into the expenditure of the public money, the evil might be controlled: but where the king was a despot, all control was out of the question. By the constitution as now altered, all high offices were to be held by Sicilians. But it was strange to point that out as a praiseworthy provision, which had existed in the constitution of the state for many centuries. Great merit was attached to the king for having agreed to the abolition of the feudal system. His view, however, was, to get rid of the only check that existed against the unlimited power of the Crown. Neither must it be forgotten, that the barons themselves had freely given up their feudal rights. And why did they part with those rights? They parted with them on condition that the king should abandon some of his privileges. In all that he had said, he had no object whatever but to restore to the Sicilians those rights and liberties, which had with so much difficulty been acquired for them. He would conclude with moving, "That an humble Address be presented to his Majesty, humbly to represent to his Majesty, that the House has the mortification to learn that attempts have been made by the Government of the Two Sicilies to reduce the Privileges of the Sicilian Nation in such a degree as may expose the British Government to the reproach of having contributed to a change of system in Sicily, which has impaired the freedom and happiness formerly enjoyed by its inhabitants; and humbly to pray, that his Majesty will be graciously pleased to interfere, for the prevention of these evils, in such a manner as the honour and good faith of this Nation absolutely require."

The Marquis of *Londonderry* said, that in rising to trouble the house with such observations as appeared to be necessary for the purpose of answering the argument of the noble lord, he was happy to have it in his power to compliment him on the calm, intelligent, and candid manner in which he had introduced this subject. He was ready to admit that no individual, connected as the noble lord had been with these transactions could have brought forward a question of this description with more propriety or moderation. But while he paid his homage to the noble lord on these considerations, he must remark that the noble lord had chosen rather a late period for making his statement. He now called on the House to come to the conclusion that the conduct of the court of Naples towards its Sicilian subjects was so reprehensible that this country ought to interfere. The noble lord had stated that he approved of the instructions sent out to sir. W. A'Court: yet it appeared that it was on these very instructions that he founded his complaint. The circumstances to which he alluded took place so far back as 1816; and certainly the conduct of this government was not altered by any thing that had since occurred. Now, if the alterations then made in the constitution of Sicily were of such a description as called for the interference of this country, it was at that period, when the circumstances had recently occurred, that parliament should have been called on to vindicate the national honour. It was a little too late to come to parliament now, in order to criminate the court of Naples on account of circumstances that happened five years ago; more particularly when they were told that Sicily was about to undergo another organization, but of what nature he was ignorant. He certainly did not know the nature of the contemplated change, but it was supposed that it would partake of the character which the noble lord so highly prized, that of a separate and independent nation; it was to possess a government wholly distinguishable from the government of the kingdom of Naples.

It was, therefore, rather late to introduce this subject, when Sicily was on the point of becoming a separate, instead of being part of a united government. The happiness and interest of a state were not, however, always secured by its being separate and independent. They all knew with what reluctance Scotland gave up what it deemed its independence; and yet, he believed, the learned gentleman opposite (sir. J. Mackintosh) who certainly had the love of freedom as much at heart as any man, would not willingly go back to that palladium of liberty—to that invaluable blessing—Scottish independence. They lived nearer the period of the union with Ireland; and he knew that many Irish gentlemen could not give up the idea of the separate and independent government of Ireland. They had not had time to get rid of that feeling of partiality; but he believed that a different principle was making rapid strides in Ireland, and that it was now pretty generally acknowledged, that a combination of government tended more to the happiness of the people, under particular circumstances, than a separate and independent one. The present question naturally divided itself into two views: 1st, What was the course of measures adopted when England was in the military possession of Sicily; and 2dly, when Sicily was evacuated, what duties were imposed on this government, either in consequence of that military occupation, or arising out of any declaration, such as that to which the noble lord had alluded? As to the nature of the connexion of England with Sicily, although government had always felt a strong esteem and affection for that country, yet it was not merely on that account, or to secure the happiness of the people, that British troops were stationed there. It was, in fact, a military occupation. Government, looking at the state of Europe, thought it was necessary for the safety of the royal family, as well as to oppose a barrier to the strides which France was taking over the world, that Sicily should be protected. Her insular situation rendered her more capable of profiting by our naval resources. It was easy not only to defend that country from further molestation, but it was evident that a military position might be established there, from which a diversion might be made in favour of the liberties of Europe, and with the view of rescuing Italy from the French. This was the case; and with the exception of having guaranteed to the Sicilian people, not to form a constitution, but to protect that part of the dominions of the king of the Two Sicilies, this government had entered into no arrangement of an express nature with them. Portugal and Sicily were the only two states, as far as he was aware, with respect to which this country had entered into any guarantee of a specific nature. Undoubtedly the people of Sicily were satisfied that Great Britain sent troops to their country without any idea of territorial aggrandizement, and without any view to spoliation; but there was no express assurance given to them, with reference to any new or altered constitution. When the British troops arrived in Sicily, they found the people discussing the merits of a constitution of their own. It was formed, as nearly as possible, on the model of the constitution of this country; and the people flattered themselves that they would enjoy under its protection the same blessings which the people of England enjoyed. It was true that while the British troops were in the country it was found necessary that a strong interposition should take place on the part of the British power, for the purpose of impressing on the mind of the Sicilian government, the propriety of supporting the constitution. If this had not been done, the government, could not have gone on, and the place would not have been fit for a military station. The consequence of this interposition was, that the noble lord was "mixed up" in a great variety of remonstrances (a laugh) which were sent in to render the king's interest sufficient to support the then existing state of things: but he certainly never did feel, that in resorting to those remonstrances, the noble lord was doing any thing more than what was necessary for his military occupation of the island. He never supposed that the noble lord was entering into any arrangements with respect to the Sicilian constitution. He did not mean to disguise from the House, that the noble lord had great difficulties to encounter in his situation. It must have been revolting to the feelings of the people to see a foreign army in such a situation as rendered it necessary to interfere with their concerns. He was ready to justify that interference, but still it must have been most unpleasing to the people. As far as he could judge, he never knew a constitution less suited to the genius of a people, or which seemed less likely to work beneficially for them, than that which had been formed; and he believed there was no

feeling more general when the British troops left the island, than that that constitution could not stand. Those who formed it affected to take the British constitution for their model; and he believed they took measure of the table on which he was then leaning, so determined were they to be correct, even in the most minute point of arrangement (a laugh); as far as the administration of government, the raising or the supporting an army, was concerned, no constitution could be more defective; and it was equally inefficient for securing the happiness of the people. At length, all parties determined that a fundamental change should be made. In 1814, sir W. A'Court was authorized to explain to the people of Sicily the reasons which compelled great Britain to withdraw her troops from the island; and it was perfectly true, that in the memorial which he presented on that occasion, he expressed a hope, that whatever changes were made in the constitution, should be worked out by means of the constitution, and not affected, as modern alterations in government were, either by the army or by secret associations. However, after working for near twelve months in remodelling the constitution, the parties intrusted with that duty came to a dead stop. The consequence was, that the two houses addressed the crown, and a royal commission was appointed to effect the desired object. This royal commission also failed; and then the king was called on to renew the constitution of 1812, which it had been found impracticable to carry into effect. This was referred to the council of state, under whose cognizance it was for several months without any good being effected. So that if it were wished to establish the reign of chaos in Italy, those individuals appeared to have pursued the most feasible means for the accomplishment of that object. The noble lord said, that our evacuation of the island was in 1815, and the instructions were sent out in 1816. That was very true; and when our troops left Sicily, this government had no idea of making a constitution for the people of that island. He hoped the making of a constitution for any country, unless it was governed by us, would be the last task which Great Britain would ever undertake. He conceived it to be a task which we could not perform; and if we made the attempt, it would render our name odious throughout Europe. He should therefore always set his face against those who in that House complained that this country would not indulge itself in manufacturing constitutions, or who wished England to become the constant monitor of other states, ready on all occasions to carry remonstrances to the thrones of foreign sovereigns. Those instructions were not issued when our troops evacuated the island, because it had always been our maxim not to interfere unless there was an absolute necessity. The government of this country originally stated, that no spirit of meddling, no desire of spoliation, caused us to send British troops to Sicily; and he had no hesitation in saying, that no instructions would have been sent out to sir W. A'Court, if a communication had not been made on the subject by the Neapolitan government. The government had certainly felt it to be its duty to the Sicilian nation, to lay before the government of Naples, under what state of circumstances we should feel it necessary to interfere on behalf of the Sicilians. But he was not aware of there having been, during the six years that had elapsed since the period of our leaving Sicily, a single instance of a Sicilian alleging that he had been ill-used on account of his previous connexion with the British. So far from it, sir W. A'Court, in a communication made to his Majesty's government, expressly declared, that all the offices in the government, as it had been newly framed, were filled up by those Sicilians who were known to have been in connexion with the British. As far, therefore, as private interests were concerned, he might take some credit for the king of Naples, for a line of conduct dictated by liberal policy, or rather perhaps by a grateful recollection of the eminent services of Great Britain towards him. He himself (lord L.) had anticipated that there would be no end to the persecution, to which the British government would be exposed, from the complaints which were likely to be perpetually preferred by Sicilians, conceiving themselves to have been individually injured by the Neapolitan authorities. To his total astonishment no such cases had occurred. One exception, indeed, might be named, and that was Captain Romeo. With all the respect which he entertained for the noble lord, it was rather too much for the noble lord to bring forward such a proposition as this. It was, in fact, demanding that his Majesty should adopt a measure criminating the conduct of the Neapolitan government towards its Sicilian subjects. As to the Sicilian institutions themselves,

the noble lord had dressed up both the ancient and the modern government of the island in all those gorgeous habits with which it was so easy, in description, to invest any government; but if the House referred to the papers on the table, or even to the documents sent to England during the time that the noble lord was in Sicily, they would find them depicted in a very different manner. The parliament, such as it was, hardly ever sat; and it had no powers beyond making certain grants, and the privilege of setting forth certain grievances, as the immediate condition of those grants. To talk therefore of the Sicilian "constitution," generally, was one of those oratorical flourishes which told very well in a debate, but that was really an illusion which the dispatches transmitted by the noble lord himself would serve, in a moment, to dispel. He did protest against the extravagant notion, that the British government was to be held to an eternal interference in Sicilian affairs; for such was the effect of that principle of obligation which was contended for by the noble lord. It would be perfectly unjustifiable and impracticable, unless we had made a specific contract for such interference. Whatever, therefore, had been done, was not to be referred to any general principle of that kind, but was to be tried on the special case of the year 1815. It would be idle to suppose that this country stood pledged beyond what was then arranged to protect the Sicilians against the consequences of any changes which might in future years be worked by ambition, accident, or hostility, or from the influence of any such motive as it was now attempted to charge against the Neapolitan government. But the representations of our own minister warranted no such imputations. Sir W. A'Court was a man of great ability in his line; he could not name, at that moment, the man who was of greater ability in the like capacity. As far as he had seen the dispatches of that gentleman, he could find nothing in the conduct of the Neapolitan government which should alarm the jealousy of this. That jealousy might have been warranted by the adoption of any suspicious measures of concealment on their part; but so far from there being any reluctance to make us acquainted with their councils, they solicited our observation. Sir W. A'Court was invited to be present at a conference where the treatment to be observed towards Sicily was discussed. His opinion was asked, and they would have been very glad to have involved him in the responsibility of advising them how to proceed in such a matter. Our minister, with great prudence, had laid the business before his government; and he (lord L.) had certainly advised his adhering to the same principle of non-interference which had been all along acted upon. And certainly, seeing that we had already burnt our fingers in another case, where we had attempted rather to settle than to give a constitution, he was not at all disposed to undertake the task of framing a constitution for his Neapolitan majesty. The fact was, that the Neapolitan government, finding that sir W. A'Court was unwilling to mix himself up with any proceedings on this question, said to him in his public capacity—"If you don't like to do this, for fear of involving your own government, do at least, as a private friend, tell us what to do in this case." Here it was that sir W. A'Court had manifested great wisdom and discretion in refusing to commit himself in the matter; and as to what the noble lord had said about no steps having been taken by this government upon receiving a communication of the whole affair, the House, he thought, would not be very much surprised that those lights, which had not broken even on the noble lord till after a period of six years, had not broken upon his majesty's ministers the first moment of receiving the intelligence. Now, in point of fact, he did not believe that at the very moment he was addressing the House a single vestige remained of that system which the noble lord was calling upon them to protest against. He firmly believed that it was no longer in force. Let the House then conceive, if they could, the ridicule which would attach to this country, if it should formally proceed to criminate his Neapolitan majesty for retaining a system of government which had no existence. With respect to the conduct which this government was bound to pursue upon being advised of the course of policy that was adopted by Naples towards Sicily, the only questions they had to ask was, did her proceedings carry with them such a character of malignity—were they so obviously calculated to destroy the rights of the Sicilians, that the British government was bound to interfere on behalf of that people? In short, was this government bound so to interfere upon the advice or representation of the most

enlightened minister abroad? Quite the contrary. The despatches of that gentleman observed, with respect to the then intended changes in the government of Sicily, that nothing in the proposed alterations would affect those who had been engaged in the British service. Neither was it to be inferred from those despatches, that the union of Sicily with Naples produced any where that general tone of discontent which had been represented. When the news arrived in England of the union of Sicily and Naples, he, so far from being dismayed or alarmed, felt some lurking impression on his mind that Sicily would be happier in consequence. He considered that union as calculated to raise her to whatever importance Naples might be supposed to possess. Under all these circumstances, he thought there was nothing which could justify our interference, and that it was impossible for the House to acquiesce in the motion of the noble lord.

Sir *J. Mackintosh* said, the complaint alleged against the noble marquis and his colleagues was shortly and simply this—that the British government, in its conduct to Sicily, had deviated from that principle which was laid down in the noble lord's own despatch, and had not performed those obligations which they had voluntarily undertaken to discharge. The noble lord had expatiated upon the delay which had taken place in the bringing forward the present motion. But did the noble mover, did any man in Europe know the pledge which had been given by the British government to preserve the ancient rights and privileges of Sicily, before the papers on the table were printed? He should have thought it impossible that instructions should not have been sent out to the noble lord at the time of the evacuation of Sicily. The House had heard, however, what were the facts. From the noble marquis's despatch, it appeared that there had been some previous communication between the two governments. He talked there "of the king of Naples' assurances." These assurances must have been made in answer to some representations on the part of this country. Where were they? Where were the instructions from which those representations must have been drawn up? Where was the note of sir W. A'Court, written in 1814? In 1814, this government had not adopted a dread of every thing like popular rights, a terror of public liberty, the proscription of which seemed to have been sealed at the congress of Vienna. The noble marquis had said a great deal upon the fact of there having been no representation made to this government of any Sicilian alleging ill-usage to have been sustained by him from the new government of his country; and from this he inferred the general satisfaction of the Sicilians with that government. But could he really believe that this abstinence from complaint was a proof of that satisfaction? No government, however wise, virtuous, or beneficent, ever yet existed, against which, in the course of six years, some complaints might not have been preferred; and, under the peculiar circumstances of the case, the silence of the Sicilians was to be attributed to that universal feeling of distrust which the constitution of that system had excited in their minds; which alarmed them by the apparent character of its connexion with this country, and was of such a kind as forbad them to hope for relief from us. When they were themselves exposed to punishment, and when they saw the most distinguished officers of the British government treated with ignominy, was it likely that they should complain? In 1815, the noble lord, going to perform his duty at Naples, was refused admission, on account of acts in Sicily for which he had received the approbation of his own government. After the English government had suffered a distinguished officer, and a friend of the Sicilian government to receive this treatment, was it likely that the Sicilians would complain? The Sicilians well knew that the powers of the alliance gave sufficient guarantee to each other, of suppressing any complaint on the part of the people against their governments; and they knew that the English government had not disapproved of that guarantee. The main question was, whether the English government had performed their contract with the Sicilians, as to the proceedings which had taken place in that country? This question, as replied to by the noble marquis, involved three propositions. First, there was no evidence before them, or before Europe, of the impracticability of the political government established in Sicily under the auspices of the noble lord (Bentinck.) Secondly, he would submit to the House, that if the government were really found impracticable, and was proved to be so, instead of the ancient constitution being

restored, the constitution which we were obliged to restore if the one which superseded it should be destroyed, the whole of their ancient constitution had been overturned, all their privileges were abolished, and there was an entire establishment of despotism instead. The third proposition for which he would contend was, that the change which was now made by the king of Naples re-opened the question, and entitled the Sicilians still to have their ancient system restored. If the government of Sicily had been much worse since 1816 than the former government, the king of Naples was placed in the same situation as before by restoring the ancient constitution of Sicily. The noble lord was therefore entitled to support from that House in his motion. First, as to the impracticability of the Sicilian constitution, he must advert to the manner in which the noble marquis had ridiculed the minute imitation which the Sicilians showed in 1812 in adopting the British constitution, as the conduct of novices in political knowledge. This ridicule was not very becoming, nor very generous. Commiseration for men struggling for liberty, reverence for the British constitution, ought to have suggested other sentiments. But where were the noble marquis's proofs of the impracticability of the Sicilian constitution? The experience, the personal observation, of the noble mover, were entitled, it seemed, to no regard; but the speculative sagacity of the noble marquis was to be relied on without one particle of evidence. What was it that was found impracticable? It was stated that all were opposed to the constitution. If it were so, he was not disposed to regard all parliamentary opposition to a constitution obtained by any means, as decisive of the character of that constitution. But there was no evidence of this sort. The majority were of opinion that the constitution contained the means of an effectual reform; and an honest administration co-operating with the majority would have given effect to those means. The marquis of Circello was naturally disposed to judge unfavourably of the Sicilian constitution, but neither the marquis nor sir W. A'Court asserted any such thing, as that the parliament implored their own extinction. He never knew despotism decided to be the proper government of a country with so little pretence of evidence —with so little that was complimentary to the ingenuity or address of its abettors. If they proceeded in the trials of individuals upon such evidence, and decided as summarily as in legislative measures, their justice was detestable indeed. He believed that the difficulty of effecting a reformation had been held out merely as a pretence for having recourse to despotism. The people were so destitute of experience and political knowledge, as not to think absolute monarchy the best mode of governing them; and that was the proof that they were qualified for no other government. That was the great difficulty of reformation. What want of authority could the noble marquis opposite feel? He had the authority of the ministers of Naples. The marquis of Circello stated the difficulty of carrying changes into execution as a ground for altering the constitution. Was that the real ground? No. The real ground was the flagitious agreement signed on the 12th of June, 1815, by which the king of Naples bound himself not to allow any form of government to exist in his dominions inconsistent with the principles of the government of his imperial and apostolic majesty in Italy. If the constitution of Sicily had been more practicable, it would, in consequence of this agreement, have been considered more dangerous. If a popular form of government had been found practicable in Sicily, what would become of the maxims by which Austria governed in Italy? So false and fraudulent had this agreement been, that the king of Naples, not satisfied with having at first concealed it from the English government, had concealed it from the noble lord and sir W. A'Court to the end of the year 1817. Did the Neapolitan government think this binding, or did they not? If they did, then they abolished the Sicilian constitution, in compliance with this nefarious article. What evidence, then, was this of impracticability? The Austrian government was not, in fact, oppressive, at least he was not prepared to say so; but an absolute government, maintained by military force. It was a simple despotism. The Neapolitan government then became bound to establish a despotism in Sicily, and determined to perform its obligation at last, however much it might slight its duty to Sicily, and its obligations to this country. After this, what credit would they give to assertions of impracticability without testimony? Would they take the assertion of an enemy bound to destroy the

constitution, determined to overturn that form of government, and only looking out for pretexts to delude Sicily and its most faithful ally? On the 9th of June the general treaty of congress at Vienna was signed, and on the 12th this deed was signed, which aimed a secret stab at English honour and Sicilian liberty at the same time. This flagitious engagement its authors concealed for two years. For that time none of its stipulations were known to the very power which was in closest connexion with Sicily, or to the Sicilians themselves. It was very true, that the noble lord had found opposition in Sicily to the constitution established there. But where was that opposition found? There was some delicacy in this point. He would tread gently on the ashes of the dead; he would touch with tenderness on royal names and privileges which were not always tenderly or delicately treated by those at war with them. Whatever opposition existed against the Sicilian constitution, had not been in the two Houses of Parliament, but in the court, in the councils, and, if Europe was not deceived, in the very family of the king. The only friends of England were the friends of the Sicilian constitution. The lovers of liberty naturally become attached to England. The English constitution had been the ancient standard, England the classic ground of liberty. All who attempted to obtain their own freedom thought of England with reverence. Thus the Sicilians had acted; and with such feelings had they supported the military enterprises of the noble lord, and sent troops to Spain, for the purpose of aiding the general struggle for national independence. They had then no idea that an English minister would say that their political extinction was a point which it required the microscopic eye of a Lilliputian to descry.—He should be sorry to follow the noble marquis in the sort of special pleading which he had had recourse to in discussing a question of national engagement. He should be ashamed to answer a species of argument which would imply that, because the abolition of feudal rights had succeeded the occupation of Sicily by an English army, therefore we were bound to restore the oppressions with the privileges of a former period. He should be ashamed to contend against such logic. He believed he must have misapprehended the noble marquis. If this country were to restore its government as existing at any former period, would all the restrictions of the feudal system form a part of that restoration? The English government were bound to restore to the Sicilians the ancient constitution, so far as that was essential to liberty, and to preserve all the improvements which had been quietly introduced. The noble marquis said, that the new constitution removed every difficulty, and that the old was full of defects and difficulties. Why? Because the new constitution was a simple despotism. The noble marquis was grossly misinformed if he supposed that the king had not been bound to call the parliament together once in the four years. He was compelled to do that every four years which the king of great Britain was compelled to do once every year. Our ancestors had been for centuries struggling before they compelled their king to hold regular parliaments. This power alone was of the utmost importance, and now it was taken from the Sicilians. The king had the power of changing taxes at his pleasure. Suppose he should by such changes treble his revenue, where were the means of resistance? Where was the member for Aberdeen, to detect the imposition? Thus, then, the parliament of Sicily became as miserable a dead letter, as could be detected in the annals of a first cheated, and then oppressed nation. The noble marquis regarded as a ridiculous absurdity the coupling of grievances with supplies. Good God! Did we live to hear such a practice treated with derision in the British House of Commons? He asked, wherein the constitution now given to the Sicilians could be distinguished from the most absolute monarchy? It was a very fashionable topic, that certain nations were not fit for political liberty. Where, in the world had any nation become qualified to enjoy liberty, without the possession of it? The Italians were now in the same situation as the English three centuries ago. They were now struggling, as we had done while laying the foundation of the noblest fabric of liberty the world ever saw; and by the same struggles they might yet be restored to their ancient splendor and glory. Two years in Sicily was decided to be experience enough of the impracticability of liberty, and absolute monarchy was restored. What would have become of England, if it had been compelled to renounce its liberty after so short a trial?

That House, which by means of the struggles of liberty, had risen to be the greatest representative assembly the world ever saw, ought not to condemn liberty, because there had been a difficulty in establishing it during the first two years of the experiment. If there were Englishmen who countenanced the last changes in Sicily, their opinions were not English. The hon. member here entered into a history of the present character of the Sicilian councils, which he characterized as worse than the parliaments of Paris in the worst of times. None of its members were recommended by character to the good opinion of their fellow-citizens. They were ready and obedient slaves. It was a naked despotism, instead of the constitution which had been pretended to be accepted in 1816, as saving the honour of the nation. The noble lord had guaranteed the constitution by good faith and national honour. This country could not depart from that engagement without perfidy and dishonour. There was an acknowledged interference. As soon, therefore, as the constitution of 1816 was withdrawn, we were bound to place the Sicilians in the same situation as before. The noble lord now proposed a motion, which called for no censure, and manifested no severity. It only asked something more of their ancient privileges for the Sicilians, than the constitutions of 1821 or even 1816 had given. He should rejoice if any improvement were derived by a defenceless people from the interference of Great Britain, who had offended deeply against them. Their ancient constitution had not been supported by 10,000 foreign troops. It had not been formed by Austrian bayonets. In the last decree, there was one passage so flagrantly insulting that he could not read it, without indignation. It was—"as much independence as was good for them." That was no independence at all. Sicily did not seek independence of Naples, as Scotland or Ireland had once been separate from England. She sought not separation as a country, but independence in its government. When, therefore, he found foreign mercenaries dictating a constitution, which would be degrading to an Asiatic slave—when he found them saying that they would give as much independence to the Sicilians "as was good for them," he could not adequately express his indignation and abhorrence, at such a shameful abuse of terms.

The House divided: Ayes, 35, Noes, 69.

List of the Minority.

Birch, Josh.	Monck, J B.
Cavendish, hon. H.	Martin, J
Clifford, W. J.	Milton, lord
Calthrope, hon. F. G.	Newman, T.
De Crespigny, sir W.	Newport, sir J.
Dickinson, W.	Palmer, C. F.
Dundas, T.	Robarts, col.
Davies, col.	Ricardo, D
Griffiths, J. W.	Rumbold, J.
Grattan, J.	Scarlett, J
Grenfell, P.	Sykes, D.
Hume, J.	Smith, R.
Hamilton, lord A.	Tierney, rt. hon G.
Harbord, hon. Ed.	Whitbread, S. C.
Hurst, R.	Webb, col.
Hutchinson, hon. H.	Wood, ald.
Mackintosh, sir J.	TELLERS.
Maberly, J. jun.	Bentinck, lord W
Maxwell, J.	Abercromby, hon J.

DECLARATION OF THE ALLIED SOVEREIGNS AT LAYBACH.] Mr. *Stuart Wortley* rose, to call the attention of the House to the circular despatch which had lately been issued from the Congress at Laybach. He thought the principles advanced in that paper were dangerous to the liberties of this country as well as the rest of Europe. He was of opinion that this country ought to take some means of letting Europe know that the doctrines advanced in that document were not consonant with those on which the government of this country acted. He believed the strongly expressed disapprobation of that House, with respect to the principles advanced in the despatch from Laybach, would not fail to produce an effect on the Continent. At the breaking up of the Congress of Laybach, a circular despatch was addressed to the different cabinets of Europe, by the ministers of the allied powers who composed the Congress. This despatch, after stating that the allies had assembled at Troppau and Laybach for the purpose of taking certain steps against the proceedings which had occurred at Naples, proceeded to declare the views of the allied sovereigns with respect to any future reforms that might be effected in the government of any state of Europe. He would beg the House to attend to the following passage in the despatch:—"Useful or necessary changes in legislation, and in the administration of states, ought only to emanate from the free will, the intelligent and well-weighed conviction of those whom God had ren-

dered responsible for power. All that deviates from this line necessarily leads to disorder, commotions, and evils, far more insufferable than those which they pretend to remedy. Penetrated with this eternal truth, the sovereigns have not hesitated to proclaim it with frankness and vigour; they have declared, that in respecting the rights and independence of all legitimate power, they regard as legally null, and as disavowed by the principles which constitute the public right of Europe, all pretended reforms operated by revolt and open hostility." He would ask, whether if this principle had formerly been acted upon in this country, we should at this time have possessed any liberty whatever? for what liberty we did enjoy had frequently been obtained by force of arms, and always against the will of the sovereign. It was the business of this country to take care that the doctrine contained in the despatch was not made the law of Europe. If it were, all hopes of liberty would be put an end to. He considered that the revolution in Naples did not emanate from the people, but was the work of a faction. Austria, however, did not march against Naples on the ground that the Revolution was produced by the efforts of a particular sect, which might endanger the tranquillity, of her states; but in support of the principle advanced in the despatch from Laybach. Whether the revolution at Naples was right or wrong, it had obtained the sanction of the king, and affairs were going on quietly for several months before Austria interfered. With respect to Piedmont, the revolution there was also the work of a small party, and the people were not prepared for the change. He would allow these sovereigns to govern their own people as they thought fit; but the moment they stepped out of their own territories, to dictate to the rest of Europe, and to promulgate principles hostile to the existence of liberty, he thought it became necessary for the House to express its opinion with regard to their conduct. He would move, "That there be laid before this House, Copies of a Declaration made by the courts of Austria, Prussia, and Russia, dated at Laybach on the 12th May last; and also, of a Circular Despatch of the same date, accompanying the said Declaration, and addressed to the Ministers of those three powers at foreign courts, for the purpose of being communicated to the Ministers for foreign affairs of the courts to which those Ministers are respectively accredited."

The Marquis of *Londonderry*, although he agreed with the general reasoning of the hon. gentleman did not think that the documents moved for could, consistently with the general practice of parliament, be produced. There was no principle more clearly founded in parliamentary wisdom than that it was inexpedient to call for a public document, unless it tended to some practical result. The present case was one of a less pressing nature than that which was under the consideration of the House at the beginning of the session. It was a document of a general character addressed to the whole of Europe, and less requiring parliamentary interposition than the declaration from Troppau, because the latter was immediately directed to this country, and assumed that the government concurred in the principles professed by the allied sovereigns. The House was less provoked to interfere in the present case, either from the nature of the document, or by the circumstances under which it was published. The declaration from Troppau was issued in connexion with a practical course of conduct then acted on with regard to different states. No principle could be more calculated to interrupt national tranquillity than to assume that a paper bearing on its face the evidence that it was nothing more than a general exposition of principles ought to provoke a counter-declaration on the part of this government. If we were to engage in a perpetual conflict of state paper against state paper, the councils of Europe would be resolved into a debating society, and all the links by which different countries were connected would be broken. Almost immediately after the publication of the despatch from Laybach, the government of this country took the opportunity of stating, in opposition to what the allied sovereigns pretended was the law of nations, what it considered the law of nations really to be. The laying of the documents called for upon the table of the House, would detract from the weight that would attend the former declaration of government. He did not scruple to declare his disapprobation of the principles advocated in the documents which had been brought under the notice of the House. He could not recognize the principle that one state was entitled to interfere with another, because

changes might be effected in its government in a way which the former state disapproved. For certain states to erect themselves into a tribunal, to judge of the internal affairs of others, was to arrogate to themselves a power which could only be assumed in defiance of the law of nations and the principles of common sense. He thought that the illustrious monarchs had been ill-advised in adopting principles which were not consistent with sound policy; but he believed they had been guided by no other motive than a real desire to preserve the peace of Europe—that they had had no view to aggrandize themselves by the acquisition of territory. The sovereigns, after laying down principles which he must blame, stated the danger with which they believed themselves threatened from the existence of a revolutionary spirit. He, however, did not mean to confound a just and necessary revolution with that spirit of anarchy and total subversion of all order which might be said to have found sanction even in that House. We had had our revolutions; but we had never admired them as revolutions. A revolution had always been looked upon as the greatest evil that could afflict the country. We had never felt ourselves justified in appearing in the character of revolutionists, unless our liberties had been violated. The leaders in our revolutions had always been controlled, directed, and guided by the spirit of the system on which the government of the country had uniformly proceeded. In the Revolution of 1688 it was the pride of our ancestors to show that they had done nothing which was not called for by the clear necessity of the case. There was now a conspiracy abroad which menaced the existence of every regular government. When that was the case, he was not prepared to say how far general principles like those contained in the declarations of the sovereigns might not be defended, as the means of preventing evils with which all governments were threatened. A system of universal subversion existed throughout Europe, and one revolution was made the means of giving birth to another. The sovereigns of Europe did not know how soon the blood of their own people might become the sacrifice of the revolutionary principles which were advocated throughout Europe. The policy of this country might rest on the principles contained in his majesty's declaration of the 19th of January. On that declaration the country had taken its stand, as on a rock. He thought there was no ground for regarding the proceedings of the sovereigns with jealousy. All the calumnies which had been heaped upon them, on account of their conduct with regard to Naples, had been proved to be without foundation. Nothing could be more clear from reproach than their conduct as respected Turkey. All the acts of massacre and bloodshed in that scene of calamity had originated in the secret societies of cold-blooded philosophers. If this country ever interfered with foreign powers, it ought to be on some practical application of principles contained in the declarations of sovereigns, and not on account of the mere promulgation of those principles. He hoped that House would not call for the production of these papers.

Sir *J. Mackintosh* observed, that the arguments of the noble lord would tend to contract the privileges of the House. The noble lord said, that it was contrary to the rule of their proceedings to ask for information, unless the member asking was prepared to found some proceeding upon the information when obtained. This reasoning was not only irreconcilable with the practice of parliament, but with common sense. There might be many cases in which it would be impossible to know what course it would be necessary to take until the information was before the House. He did not find fault, however, with the general tendency of the noble lord's observations. He rejoiced to hear the condemnation which the noble lord had passed upon the principles contained in the declarations of the sovereigns. He was no admirer of revolutions as such, but he was an admirer of those who created a system of order out of a system of abuse. He could not admit that a revolution was the greatest of all evils. The greatest of evils was to be a perpetual slave. The production of the papers was not desired, with a view to criminate ministers, but was called for on the ground that they contained principles materially affecting the security of Europe and of this country in particular. Austria, in acting on these principles was now in possession of a larger portion of territory than she could have acquired after a long war. What effect had the protest of this country against the principles of the allies had? The allies had published a paper in which all their former assumptions were

maintained. The declarations of the sovereigns made no distinction between the most justifiable rebellion against a cruel and bloody tyranny, and a wanton mutiny against a mild and well-regulated government. Was it not true, by the description which the noble marquis applied to the principles on which the invasion of Italy was justified, that the allied sovereigns had entered into a conspiracy against the laws of nations? Was it not true that the attack on Naples was an attack on all states that attempted a reformation of the abuses of government? Could there, in the whole range of history be found conspirators against the peace, the repose, and the rights of nations, if these military despots were not? And was not this a case in which the sentiments of the House ought to be expressed, where doctrines were advanced so novel, so extraordinary, and so dangerous. The noble marquis, in defending the allies, appealed from their professed principles and public acts to their personal character, for the justification of their intentions; but their personal character was no security, and if brought forward to allay suspicion or to inspire confidence, must provoke inquiry, and justify criticism. He (sir J. M.) would proceed on the opposite principle, that the government of every state was as ambitious as it dared to be, and must be coerced into moderation. In order to show what little reliance was to be placed on the security which the noble lord held out, he need only allude to the conduct of Russia since 1807. In that year, Russia and Sweden were our faithful allies. By the peace of Tilsit, Russia became the ally of our implacable enemy, and received the spoils of Sweden, her former ally, for remaining faithful to engagements which she had broken. In four years afterwards Russia again became our ally, and Denmark, which had joined her, continued our enemy. For this constancy to his engagements, the king of Denmark was deprived of a part of his dominions. Thus Russia punished her two neighbours with the loss of their favourite dominions, because they adhered too faithfully to engagements which she had broken, and refused to join in her perfidy. She robbed the one to enrich herself, and having made peace with the first, robbed the second to compensate for the previous robbery. What then became of the personal character, of which so much had been said? These acts were either the acts of the sovereign, or they were not. If they were, what reliance could be placed in his personal character? If, on the contrary, they were the acts of his ministers, they showed how little his personal character influenced the policy of his government. Extremes generally produced extremes. He thought the allied monarchs had not consulted their own interests in their late conduct. By denouncing all popular principles, they might provoke retaliation from those not well affected to their power. If kings hold out that liberty could not be established without destroying monarchy, the people might, in their turn, declare monarchy inconsistent with liberty. It was, then, the duty of England, which had so long experienced the union of freedom with monarchical institutions, to interfere on this occasion, and show to the world how much of national happiness and security would be lost by either extreme.

After a few words from Mr. Hutchinson, colonel Davies, and sir R. Wilson, the House divided: Ayes, 59; Noes 113.

HOUSE OF COMMONS.

Friday, June 22.

CONDUCT OF CHIEF BARON O'GRADY.] Mr. *Spring Rice* moved, that the House should resolve itself into a committee on the Ninth Report of the Commissioners appointed to inquire into Courts of Justice in Ireland; and the House having accordingly resolved itself into the said committee, the hon. member said, it was with extreme diffidence he came forward to bring before the committee a subject like that to which he now felt it his duty to call their attention, involving charges against an individual holding a high judicial situation in Ireland. He was aware, not only of the extreme importance of the subject, but of the peculiar difficulties which surrounded it; difficulties not to be undervalued by any member, but which, in his particular case, were augmented by a want of parliamentary experience and of legal information. He could only pretend to treat the subject as it might be discussed by a country-gentleman uninitiated in the mysteries of the law; and if he did not think the merits of the case rested upon full and distinct grounds, independent of any legal subtleties, it would be great presumption in him

to attempt to state it. There was also a difficulty connected with the subject to which he would advert for a moment,—he meant the nature of the charges which related to the illegal exaction of fees: charges against an individual for fees illegally taken, necessarily subdivided themselves into a number of minute cases, which apparently deprived the charges of that importance which ought to belong to a parliamentary subject. It was hardly possible but that all notions of dignity should fly before the mention of six and eightpence—still, it ought to be recollected, that much of the emoluments of the judges of the land was derived from fees; and where an improper exaction appeared to have taken place, parliament ought, undoubtedly, to investigate the circumstance. He trusted that no gentleman would undervalue the importance of the present discussion, on account of the minuteness of the fees themselves, since, in the aggregate, they might amount to a very large sum; for even the golden globes of Dr. Price might be measured by fractions. The committee would also know how to distinguish between principle and detail; and he trusted that the apparent smallness of the one would not cause the real value of the other to be neglected. He was aware that, standing forward in the character of a public accuser, he was liable to great unpopularity and suspicion. Those disadvantages he was willing to meet, if, as a public accuser, they could attach to him, who did not ground his charges on the *ex parte* statement of any individual, who might have been swayed by passion or interest, but on the report of a high and grave tribunal, consisting of persons appointed by the ministers of the Crown, in compliance with a decision of the House of Commons. He considered, therefore, that he stood on different ground from an ordinary accuser of public men. He was ready to admit that if jealousy and suspicion ought to be entertained towards any public accuser, such feelings ought most particularly to increase when the charge was made against one of the judges of the land; for if there was any one person who more than another was entitled to the presumption of innocence in his favour, it was a person filling a judicial office. In the case of an Irish judge all such jealousy and suspicion may allowably be augmented, and the judgment ought to be more strictly guarded. When an English judge is accused in parliament, it may be said that he is attacked in his own camp, at his own head quarters; the learned gentlemen opposite would consider themselves his natural defenders, and would zealously undertake his cause; but an Irish judge, when accused here, stood in a far different situation. He is disengaged from those connections which protected the other, and is before a tribunal where he might be but little known, and therefore it became members to rouse all their sympathies in his defence. Experience had shown, in the case of judge Fox how improper it was to attack judges on light or frivolous grounds. In that instance, an attack of this kind was continued for two long years; and at the expiration of that time the charge was given up, without affording the individual a sufficient opportunity to clear himself from the imputation that had been cast upon him. If such were his principles, and such they truly were, the House must feel that he would not attempt to inculpate the character of a learned judge, by preferring vague and undefined charges. Nothing but a strong necessity and a sense of duty induced him to bring the subject forward, a sense of duty which he felt to be so imperative, that he should not offer any further excuse for obeying it.

He thought it hardly necessary to state, that with the private character of the chief baron O'Grady he had nothing to do. No doubt his private character was a very good one; the charges of the commissioners related to his public conduct. This distinction was laid down by the chief baron himself, in that part of his letter where he stated that "the character of a judge was not exclusively his own, but that it equally belonged to the king and to the people." His judicial conduct therefore became public property, and as such was properly a subject for parliamentary observation. But in the moral history of human nature, it was a melancholy consideration, that reputation, however exalted, and talents, however splendid, were not alway pledges for purity of public conduct. The present case would, he apprehended, form a melancholy proof of the truth of this position; and if he were called upon to furnish a still more memorable example from the history of the past, he need only allude to the case of lord Bacon, a judge of the highest fame, a scholar of the most profound acquirement, a philosopher who had enlarged the bounds of science more

than any individual who had lived before, or who has succeeded him. Yet this great man, who was acknowledged to be the wisest and brightest, was also recognized as the meanest of mankind. The charge against lord Bacon and under which he sunk, leaving behind him a most melancholy example of human frailty, was corruption. It was proved that as chancellor he had taken bribes which had influenced his judicial decisions. In the present case, no such charge was involved. It was doubtful, indeed, whether, in modern times, such a crime could be committed by a judge. In the progress of society the current of offences run into new channels, though perhaps the important consequences which flowed from them were not much altered. It was, perhaps, impossible that cases of such flagrant delinquency could be made out against a judge at the present day any more than a charge of corruption against a member of parliament for taking bribes for his vote in the lobby of the House. The state of civilization necessarily altered the external character of public offences, but the actual sum of those offences might nevertheless remain the same. Though no judge did, or indeed could accept bribes, yet evils of a nature almost as fatal might exist and increase, and the committee would see, by looking into the Report of the commissioners, that a system of extortion, by means of illegal fees, prevailed in the court of which he spoke, that must have seriously impeded the due administration of justice, even though it interfered with it by a different operation from that of a direct bribe. Before, however, he went into the Report, it would be necessary, for the clearer understanding of the subject, to take a short view of the establishment of courts of justice in Ireland. For a considerable time after the Irish people were first honoured by the notice of Henry 2nd, the laws of England, though introduced among them, seemed to be considered rather as a privilege for the few than as a benefit for the many. The English of the Pale, and the Irish were kept apart, and the latter were left in a state of slavery and oppression. Even the murder of an Irishman was scarcely considered an offence; and among the most ancient records the following, among many similar pleas, is to be found, "And the defendant comes in and confesseth, that he did slay the aforesaid John, but he denieth that thereby any felony could be committed; *purus erat Hibernicus*:" he was a mere Irishman, and therefore his murder was not a felony. It was not till the reign of Elizabeth and James (with the exception of the government of Poynings in the reign of Henry 7th), that any real improvements took place in the Irish courts of justice, and when those reforms began, the genius of one of the individuals at whose suggestion they were undertaken, anticipated the very evils which have since occurred; the evils which form the ground-work of the present charges. In a letter still extant, written by lord Bacon to lord Burleigh, the following observation is applied to the courts of justice in Ireland: "It is not possible that the people of Ireland shall find any sweetness in justice, if it be formal and fetched from far, because it will require running up and down for process, and give occasion for polling and for exactions of fees, and many other delays and dangers." Such dangers have existed from those days to the present. Though sir John Davies had introduced many salutary reforms, yet lord Strafford, one of the ablest men who ever conducted the affairs of Ireland, found it necessary, in the reign of Charles 1st, to issue a commission to inquire into the fees then taken in the courts of justice. No return seems to have been made by these commissioners; but their labours could not have been very effectual; for in the 25th year of Charles 2nd a new commission was issued for a similar purpose, the recital of which was so curious and important, that he must beg leave to read it to the committee. It was as follows: "His majesty has been informed that many complaints are made in his kingdom of Ireland against the exaction of officers there; he is sensible that the demand either of unreasonable or of undue fees is not only an increase of charge to his subjects, but is a dishonour to his justice; he therefore directs the issuing of a commission of inquiry, in order to regulate the fees which should thenceforth be reasonable, and to set down courses to avoid illegal exactions in future." Unfortunately, the return made by these commissioners is supposed to have been burnt in the fire which took place in the council office in 1711. In 1715 the same subject of fees was brought into discussion in the Irish House of Lords; a committee was then appointed, which reported to the House on the 16th July 1716, "that obliging all persons to bring in lists of their fees by a day certain, was the only way

to prevent them from insisting on unreasonable and illegal fees to the oppression of his majesty's subjects." To carry this recommendation of the committee into effect, an act passed in the 4th George 1st, reciting, that "whereas divers persons under pretence of demanding their ancient and accustomed fees, have insisted upon unreasonable and illegal fees to the oppression of his majesty's subjects." The statute proceeds to enact, that returns of all fees taken or demanded should be made to parliament, and a list of the fees so returned, was ordered to be printed in the year 1734, by the authority of the House of Lords. An address was subsequently moved, praying that a public inquiry "should be made, to reform the fees taken of the subject contrary to right, and to establish such as were legal." Hence it would appear, that the fees contained in the list of 1734 were considered to require revision and reform. When reference was made in the 9th Report to this list, he begged the committee to recollect, that it was conclusive evidence of the ancient usage, though by no means evidence of the legal right, and that every excess beyond that list was liable to the justest supicion. The House of Commons took up the same subject of inquiry in 1716, 1717, 1723, 1725, 1731, 1766, 1771 and 1772, but these proceedings were not very important.

He had stated these circumstances, not to give a colour to his case, for that would be uncandid and disingenuous; but for the purpose of explaining the character of the list of 1734, to the committee, and for the purpose of impressing on the minds of members the principle, that claims to fees by usage, should, in Ireland, be judged with peculiar strictness. He would now proceed to the immediate merits of the question; in 1814, the commission, whose ninth Report was then on the table, was first established. It was the right hon. baronet, member for Waterford, who moved for that commission; he was strongly opposed by the right hon. gentleman opposite, and the object was with difficulty obtained, as the motion was carried only by a majority of one. For the benefits of that commission the country was, therefore, indebted to the right hon. baronet, and there was no part of the useful public life of that gentleman, pre-eminently useful as that public life had been, which he considered more worthy of admiration than the simple unostentatious triumph over the power of the Treasury Benches, by which he became the instrument of reform in all our courts of justice. This was a triumph which had produced more beneficial results to the country than many to which party spirit gave more apparent glory. Yet, if he had been rightly informed, the opposition to his right hon. friend's motion rested upon grounds applicable to England and to Scotland, rather than upon any denial of the necessity of inquiry and reform in the Irish courts. When the motion was carried, and when the appointment of the commissioners had been extorted from the government, it was but justice to ministers to admit that they acted with perfect fairness, and that they had done all in their power to carry the wishes of parliament into the fullest effect. They appointed men of the highest character on the commission, and of the best qualifications; and no one could read the report, without being convinced that no commission had ever given greater proof of zeal, industry, and what was above all inflexible integrity. The documents now on the table of the House were every way worthy of the intention of the planner of the measure, and of the character of the excellent individuals to whom its execution had been entrusted.

He should now proceed to the consideration of the 9th Report itself, and of the charges it contained against the chief baron; and in doing so, in order to avoid any possible mistake or exaggeration, he would refer to that document itself page by page. He requested that no rule of order might prevent hon. members from setting him right if he overstated the argument in any particular. The chief baron of Ireland, Mr. O'Grady, was appointed in the year 1805, at a salary of 3,500*l.*, and with the lawful fees incidental to his office. The fees he had received are stated in the Report to have amounted to 3,138*l.* 12*s.* 6*d.*, giving the learned lord a gross annual income of 6,638*l.* 12*s.* 6*d.* The commissioners had made this calculation on an average of three years, ending in 1814. It would be important to notice the classification of fees, in the 11th page of the Report, by which it appeared, that the total number of fees claimed by the barons was 96. Of this number 13 were taken at the same rate as in the book of returns of 1734, 38 at increased rates, 2 at diminished rates; 24 had ceased; 19 were without precedent in the list of 1734.

Thus there were five classes, out of which those were to be thrown which were taken at the same rate as in 1734; and it ought to be observed, that while two only had diminished, 38 had increased; with respect to the 24 which had ceased, many of them were for services no longer performed, and therefore could not be charged, and others for practices almost disused, and little likely to occur. As to the fees which had increased, they were of considerable amount, and most of them upon services of frequent occurrence. He did not mean to go through the whole of the Report, but should only touch upon those salient points which were most clearly distinguishable, and which would be sufficient to support the Resolutions he intended to submit to the Committee. He therefore meant to confine himself to two classes of offences; the one the violation of the positive law of the land; the other, such undue augmentation of fees, as had had the effect of creating fees upon duties which could never have been performed, and double fees for one act; the effect of the whole system being to augment considerably, and by illegitimate means, the official income of the chief baron. He would now proceed by what he thought the plainest mode, which was, to read severally the Resolutions which he intended to move, as each would come in his statement, and thus to show how they were grounded on particular passages of the Report. The first item of increase was that of the fees on the swearing into the office of sheriff. The statute of 12 Geo. 1st, cap. 4, for regulating the office of sheriff, after providing that certain fees in the schedule annexed might be taken by different officers, provided that a fee of 15*s.* 10*d.* should be paid to the chief baron and his clerk for taking the recognizance, and a fee of 2*s.* 6*d.* to the chief remembrancer for entering the recognizance; and also provided that the officers, clerks, &c. should not demand or receive any greater fees whatsoever, touching any matter relating to the patent or swearing in of the sheriff, and annexed a penalty to be recovered against the person offending: notwithstanding which, the fees now demanded by the court of Exchequer on the swearing in of every sheriff of a county amounted to 6*l.* 10*s.* 11*d.* [Hear, hear!], which exceeded the legal fees, namely, 18*s.* 4*d.* by 5*l.* 12*s.* 7*d.* of which the chief baron received 2*l.* 11*s.* 11*d.* his clerk or registrar, 2*l.* 16*s.* 3*d.* and the chief remembrancer, 1*l.* 2*s.* 9*d.* He intended, therefore, to propose a Resolution relative to this item, to the effect, that notwithstanding the provisions in the act of Geo. 1st, cap. 4, the fees now demanded in the Exchequer for swearing in the sheriff of a county, exceeding by 5*l.* 12*s.* 7*d.* the total amount to which they were limited by the statute, namely, 18*s.* 4*d.* He must, however, in candour state, that if the fee was illegal, as he had no doubt it was, yet it was the fee taken by the predecessor of the present chief baron [Hear, hear!]. But this could not be any argument at all, unless the fee was one of usage or doubtful, in either of which cases the conduct of the predecessor might be an excuse; but where the fee was expressly limited by statute, then the usage of the predecessor could not justify the present chief baron, as he was bound to take notice of the act, and to abide by its provisions only [Hear, hear!]. And, indeed, the learned lord himself did by his letter upon the table seem to recognise that principle, for he did not rest his defence upon the conduct of his predecessor, but said, the sub-sheriff was not contemplated by the statute aforementioned. Now, it appeared to him (Mr. R.) very extraordinary, if the legislators by whom the act of the 12th Geo. 1st was drawn up, had been so improvident as to allow the sheriff to be plundered in the name of his deputy, while they pretended to protect him in his own character; but the fact and the law were against the chief baron, as the statute expressly mentioned the sub-sheriff [Hear, hear!];—besides, that was a remedial statute, relieving the subject by fixing the fee at 15*s.* 10*d.* and there was no just ground why it should be expanded to the sum at present claimed. Another way in which the chief baron attempted to account for the charge was, on the ground of the documents being prepared by the clerk, who was his brother, but this pretext could not be borne out by the act of parliament, it had no foundation whatever, as the statute gave specific fees where it was the intention of the legislature that payment should be received for the preparation of documents. The chief baron also stated, that an ancient Chancery fee of 1*l.* had been transferred by arrangement between the Courts to the Exchequer. But a claim of such a fee could not have been legal, as the arrangement between the courts, must still have been made subject to the 12 Geo.

1st, which prohibited any increase of fees upon any matter or thing relating to the shrievalty. On the subject of the increase of chamber practice, as that seemed in some degree discretionary with the judge, and optional to the suitor, it was not his intention to enlarge upon it farther than to state, that it had increased very greatly under the auspices of the present chief baron, and had added proportionally to his profits. But he must be allowed to make one observation which applied to a particular part of this subject, and which rested on distinct grounds. By the 23 & 24 Geo. 3, c. 22, the chief baron is authorized to make orders for drawing money out of bank when the Court is not sitting; but under the authority of the present chief baron these orders are now heard in chamber at times when the Court is sitting, and thus this breach of chamber practice is augmented, contrary to the intention, if not to the words of an act of parliament.

His next Resolution related to fees on the signature of writs. The commissioners stated, that for the supposed signature of a description of writs, never accustomed to be signed by the late chief baron, lord Avonmore, a fee is now charged, unwarranted by the list of 1734. They farther state that these writs though charged for as being signed, are not in fact authenticated by the chief baron's signature, and thus a fee is charged for an ideal duty. The learned judge's defence is, that he conceives the chancellor of the exchequer is bound by his oath not to seal any writs but such as are authenticated by the chief baron's signature. It is surely kind in the judge thus to step in to protect the chancellor of the exchequer from all the consequences of official perjury! But if his feelings for the conscience of the chancellor of the exchequer were so tremblingly alive, he might have protected that right hon. gentleman by the signature of the writ without the exaction of a fee. There appears no necessary connexion between the fee of the judge and the conscience of the chancellor. But having assumed the office of conscience-keeper to the right hon. gentleman, the chief baron slumbers at his post, for though he receives the fee, he does not sign the writ, thus doing what he ought not, and neglecting that which he states ought to be performed.

The next charge to which he would draw the attention of the House was, that of decrees in the Exchequer. By the list of 1734, it had been fixed that the fees on account of decrees, should be 6*s.* 8*d.* for perusing and signing a decree, and 6*s.* 8*d.* for an exemplification of a decree; but since 1808 the chief baron had directed that the first fee should be paid on setting down the cause for hearing, and thus he had transferred the fee from a later stage of the proceedings to an earlier one: and not satisfied with this, had made a double charge, by demanding the fee of 6*s.* 8*d.* if the cause came to the perusing and signing of the decree. Now the Report fairly stated, that the transfer of a fee from a later to an earlier stage of the proceedings was in principle objectionable, because in many instances the proceedings might never reach that stage in which the fee would be properly payable; and it appeared that in three years there had been 132 causes, in which fees had been paid for perusing and signing the decrees, although such decrees never had any existence [Hear!]. He would endeavour to illustrate this subject in a way that might render it more intelligible to the House. Supposing a fee were chargeable on the third reading of every bill in that House, what would be thought of the conduct of the clerk who should change the stage in which that fee was imposed, and charge it before the bill went into a committee? As many bills, although they went through committees, did not reach a third reading, would not such a proceeding be deemed extremely indefensible? The answer of the chief baron to this point was rather epigrammatic in its reasoning. The chief baron said, that the commissioners, in coming to the conclusion, that a copy of a decree was not an exemplification, were right, but that when they came to the conclusion, that an exemplification was not a copy, they were wrong. Now, what he (Mr. Rice) contended was, that an exemplification was a different thing from a copy of a decree; it was different in a legal sense, for its weight in evidence was totally different: it was different to the eye, for it had a seal; it was different as it regarded the revenue, for the stamp on an exemplification was 15*s.*, while that on a copy was only 2*s.* It was utterly indefensible, therefore, to apply to the copy, which was frequently taken out, the fee that was applicable by law only to the exemplification, which was seldom completed.

The third of the criminatory Resolutions which he had undertaken to submit

to the House, was founded on a passage in the 14th page of the Report of the commissioners. It was to the following effect:—"That it appeared from the Report of the said commissioners, that the chief baron had caused certain fees, which it was the usage of the officers of the court to pay him in Irish currency, to be paid to him in British currency, thereby augmenting the amount of these fees eight and a half per cent." The justification of the chief baron on this point was extraordinary; first he said, that it had been the usage of the officers of the court to charge the various fees to the suitors in British currency. Now, if any hon. members found that their stewards made an unfair charge on their tenants, it would be a good reason for their interference in favour of the tenants, but it would be no reason for such an interference as that of the chief baron, the object of which was to augment his own emolument. Another part of the chief baron's justification was, that the chancellor of the exchequer received the fees of his offices in British currency, and accounted for them in Irish currency; and that the difference constituted the profits of the office. If that right hon. gentleman were present, and would say that he felt himself authorized to write over to his agent to remit the amount of that difference to his private banker, he (Mr. Rice) would give up his case. He was sure the right hon. gentleman was too much a man of honour to do any such thing. But the chief baron's defence is, in the present instance, not only insufficient, but it is incorrect. By a return most providentially obtained from the chief remembrancer's office, it appears that a change in his department took place in the year 1808, at which time the chief baron directed his fees to be received in English currency. What then becomes of the chief baron's defence? It is as inaccurate in fact, as it is inconclusive in law and in common sense.

The next Resolution which he should propose, was founded on a passage in the 15th page of the Report, and would be as follows:—"That it appears by the Report, that in the time of the present chief baron's predecessor, it was not the usage to charge a fee as for the chief baron at the law side, on any bill of costs, except such as accompanied executions on final judgment; but that under the claim and direction of the present chief baron, a fee was charged for his lordship on all taxations of costs, with the exception of costs of *non pros*, where no executions issue."—This the chief baron denied. All that he (Mr. Rice) would say, was, that every one of his Resolutions was founded on the report of the commissioners; and that therefore the subject was entitled to such an inquiry as to show which party was to be believed. His next resolution would relate to the increase of fees on affidavits and answers to interrogatories, as described in page 13 of the Report. It would run thus: "That it appears by the Report of the commissioners, that upon the suggestion of the chief baron, an additional fee was charged on affidavits and answers, which was claimed in right of the lord chief baron's register (or clerk), and the chief crier of the court; but which was paid over to the lord chief baron under an arrangement as to the appropriation, which appears from his lordship's return to have been agreed upon with his brother, Mr. Carew O'Grady, who holds those offices under his lordship's nomination." The chief baron denied that this was a new fee, and declared it was an ancient fee re-established. Here the chief baron and the commissioners were at issue; and it was for a third party to pronounce between them. If, however, any inference were to be drawn from the evidence on the subject, that inference would be unfavourable to the chief baron. He begged to remind the committee that these fees were received by the usher, on account of the crier, and paid over to the chief baron. Now, it so happened, that no one of these chose to make a return of these particular fees. The usher did not do so because they were received for the crier. The crier did not do so, because they were paid to the chief baron. The chief baron did not do so because they were appropriated to the use of his indigent relations. This circumstance could not but appear a suspicious one. As to the produce of the fee being appropriated to the chief baron's brother, that was, to all intents and purposes (however honourable it was to provide for a friend or relation), a payment to himself. The chief baron's distinction between payments to his family, and payments to his immediate family, was one of that subtle and metaphysical nature, that he (Mr. Rice) could not pretend to understand it.

He had now got through the Resolutions respecting the increase of fees, in doing which he had selected only the most

prominent features of the Report. If any doubt could remain on the subject, he considered the observations made by the chief baron himself as affording a very strong corroboration of the statements of the commissioners. The suggestion of an unfounded or of an evasive reason must be always considered good evidence of a want of any legitimate defence. On the subject of the increase of the fees, the chief baron stated, that by the operation of the Act of the 43rd, of George 3rd, his emoluments had been greatly diminished, and his situation, with relation to the other judges, materially deteriorated. Now it appeared that the annual emoluments of the chief justice of the court of King's Bench (a man whom he could not mention without paying that homage to his upright and excellent character which it was the delight, as it was the duty of every one who knew the character of chief justice Downes to express) were 5,223*l*.; the annual emoluments of the chief justice of the Common-pleas, 5,631*l*. and the annual emoluments of the chief baron of the Exchequer (deteriorated as chief baron O'Grady had stated them to be), 6,672*l*., giving to the chief baron an income of 1,449*l*. above the chief justice of the King's-Bench, and of 1,041*l*. above the chief justice of the Common Pleas. Again, in justification of the increase of chamber practice, the chief baron stated that he did not believe any material difference to exist between the expense of such proceedings in the Exchequer and in the court of Chancery, whilst, in fact, the expence in the former court was above one-third greater than in the former. In another part of his letter he will be found to seek a justification in the usages of the court of King's Bench, whilst the practice sought to be justified takes place in the Exchequer at all times, and exceeds by a considerable sum the costs incurred in the King's Bench.

He was apprehensive that he was trespassing on the time of the committee, but there were two or three other points on which he wished to touch. All the former reports of the commissioners had been referred to the courts to which they related. The report on the courts of Equity was sent for the observations of the lord chancellor and the master of the Rolls; the report on the court of King's Bench for the observations of the judges of that court. He presumed that this [illegible] Report of the commissioners had, in like manner, been sent to the court of Exchequer ; but here was the only instance in which the court was silent. They had the observations, indeed, of the chief barons, but the three other barons were mute ; a circumstance which appeared to him to be extraordinary. It was here necessary to advert to a most extraordinary circumstance: one which he ventured to state because it came to his knowledge from the most unquestionable authority; one which he was ready to prove at the bar of the House, if it were necessary. It involved the privileges of the House, and it charged the chief baron with an offence which deprived the returns laid on the table of the House of all weight and authority. He (Mr. Rice) had moved for certain accounts relating to the court of Exchequer; these papers had been prepared by the proper officer; but as soon as the chief baron obtained any knowledge of their contents, he suggested that they should be altered and modified to suit his own purposes. If such had been his conduct, it struck at the very root of all confidence in the returns he brought forward, and under any other circumstances than the present, would form a proper foundation for a specific charge.

He next begged leave to call the especial attention of the committee to one assertion in the chief baron's letter. In the opening of that letter the chief baron stated, that as all judicial fees were now abolished, by an act which had passed the House of Commons, the public could derive no benefit from any minute investigation of the subject. If he (Mr. Rice) had believed that the only character which his propositions could bear was retrospective or vindictive, he would never have made them; on the contrary, he believed that character to be prospective. Undoubtedly, the vulgar consideration of the compensation of 1,500*l*. a year, which was to be paid to the chief baron for his fees, was one which, in these times, was not immaterial. But he would not [illegible] ten times that sum have attempted to fix any delinquency on an Irish judge, were he not sensible of the fatal consequences which might follow from proclaiming to the world, that when a case had been made out by commissioners appointed by parliament to inquire into alleged abuses, the House of Commons sheltered and screened those to whom those abuses were ascribed. We were about to send a commission to Ireland, to inquire into abuses of another kind. The gentlemen of whom

that commission was composed, possessed the fullest confidence of the authority from which the commission emanated; and he was satisfied they were as resolved as they were competent to do their duty. But what would become of the prospect of any benefit from that inquiry, if the report of a commission on another subject (and a subject of much greater importance; for surely the due administration of the law was more important than the just collection of the revenue) were utterly neglected by the House? were the House prepared to admit that in matters of finance only they were attentive and vigilant? Was the administration of justice in one of the supreme courts of the empire of less importance than the duties on spirits and tobacco? Was the characters of the judges of less importance than the collectors of the excise, and was the imposition of new taxes all that Ireland was to know of the superintending power of the imperial legislature? If no steps were to be taken on the reports of commissions thus appointed, the trouble and expense, the farce of appointing them might be saved. The legislature had recognised the former reports of this commission, and had passed acts founded on them. Why should they shrink from and disavow the present report? They had reformed courts of law by statutes founded on these reports. Besides, if a judge presiding in one of the supreme courts had violated the ancient laws of the land, what security had the House and the public for the observance of the statutes lately enacted? What security was there for the authority of future legislation? Two very important instances had occurred in very modern times in which the extortion of fees in courts of justice had been visited by the severest punishment. A committee of the House of Commons was appointed for the consideration of the laws affecting insolvent debtors. A noble lord, the member for Northamptonshire had done himself the greatest honor, and had conferred the greatest benefits upon his country, by the ability and attention which he had devoted to that most important inquiry. During the progress of the investigation it appeared that the chief judge of the Insolvent Debtors court had exacted fees unsanctioned by law. That judge was not continued in his office; the court in which abuses had grown up was freed from the stigma which his continuance in office would have cast upon it. Surely the House will show as high a regard for the character of the Court of Exchequer of Ireland as they did for the reputation of the court of Insolvent Debtors in this metropolis. The next case to which he should refer was still more important, as well as still more strictly applicable; it was one too from the authority of which the chief baron could not appeal, as it had been decided by himself. In their second Report, the commissioners of inquiry adverted to the law-side of the Court of Exchequer, and charged an officer of that court, of the name of Pollock, who stood very high in every other respect, with an unwarrantable augmentation of the fees of his office. On the suggestion of the chief baron, the attorney-general extracted charges from the Report of the commissioners to found a proceeding against Mr. Pollock. The defence was, that the practice complained of had been sanctioned by long usage, had been acquiesced in by all parties, and had, in many instances, originated in the time of Mr. Pollock's predecessor in office. The chief baron, however, very properly dismissed that gentleman from his situation, and the chief justice of Ireland even felt it his duty to remove him from another office which he also held. The day after Mr. Pollock's dismissal, the vacancy created by that act was filled by the appointment of the chief baron's brother. Now the charges against Mr. Pollock were exceedingly like the charges against the chief baron himself.

Having made these statements, it would be better, perhaps, if he were to sit down, and say nothing as to the course which he thought ought to be pursued, if the facts were established. It was evident that if the facts were established, something must be done. The statement of the mere facts he felt to be within the reach of his powers; but to say what should be done, required more experience and deliberation than he possessed. At the same time he was free to confess, that he had formed his own opinion, which, if it were actually incumbent upon him to declare, he could have no hesitation in declaring. Indeed he could not have felt himself justifiable in bringing forward these charges at all, if he had not been fully prepared to follow them up to a practical result. He much wished, however, that such a step might be taken by some member whose abilities and experience were far different from his own. Assuming, then, that a case of delinquency was made out, it was clear that some inquiry must be set on foot; it was clear that matters

could not rest where they were. It was impossible, indeed, that this conviction could be expressed more strongly or better than it was expressed by the chief baron himself in his letter to Mr. Gregory. He there admits that the question must be brought to issue, for he states that, "although there may be a degree of depravity which corrects itself by the removal of a judge, yet that he deprecated that middle course which tarnishes his honour, and yet leaves him to linger in the seat of justice too bad to be trusted, and yet not bad enough to be removed." In justice therefore either to the public or to the judge himself, a full, a fair, and an immediate inquiry became necessary, and could not be resisted. There was much in the chief baron's letter which did not seem to him (Mr. Rice) very applicable to the subject before the committee: for instance, it was difficult to trace a connexion between the 9th Report, and the Impounding act. If, however, that act, or the proceedings on which it was founded, did afford the chief baron any palliation or excuse, he saw in his place the learned member for Barnstaple, who had been counsel for the chief baron in the House of Peers, in the contest between the Crown and the chief baron, and he could probably explain the matter to the House. The hon. gentleman then thanked the House for the patience with which they had listened to him, and read his first resolution, and subsequently, at the request of the marquis of Londonderry, the whole of the resolutions which it was his intention to propose.

Captain *O'Grady* said, he rose for the purpose of opposing the resolutions. He should, under any circumstances, feel considerable embarrassment in addressing the committee; but under the present circumstances, he hoped the House would grant him that indulgence which the peculiarity of his situation required. Before he proceeded further, he must say that he could not accept the compliments paid to the talents and abilities of the chief baron at the expense of his integrity and honour. What availed it, that a man was complimented on possessing great talents, when it was said in the same breath, that those talents were exerted in exacting, nay, extorting the most insignificant sums in his office? He was sure that the Report of the commissioners was made with the best possible intention. But admitting that, he denied that any legal proceeding could be grounded upon it. In the case of Mr. Pollock, alluded to by the hon. member, it was held that he could not be proceeded against upon the documents of the commissioners, as that would be making the party criminate himself by the evidence extorted from him. The court, however, stated, that it was open to the attorney-general to proceed against Mr. Pollock upon all the charges contained in those documents, which were capable of being substantiated by proof. He was so proceeded against in this way, and was deprived of his situation. There was another case of a similar nature to which the hon. member might have referred; he meant the case of sir J. Galbraith, an officer of the courts. Proceedings were about to be instituted against that gentleman, upon the Report of the commissioners; but the twelve judges decided such proceeding to be illegal. They stated, however, that if ground of charge existed, the individual might be proceeded against in the manner which he had described. Sir J. Galbraith was so proceeded against, and no charge existing against him, he was acquitted. He had great respect for the commissioners, but he thought he had already said enough to show that they were not infallible. The chief baron had stated, and truly, that a bill having been introduced, for the purpose of substituting salaries for fees, he could not see what advantage could be derived to the public from a retrospective view of this question. He should, however, be sorry to ground his argument upon this view of the question. The chief baron was, by his patent, entitled to receive all the fees received by his predecessor, or which being paid to the officers, had not been received by his predecessor; for in fact, the predecessor of the present chief baron was excessively remiss on the subject of fees. He thought it rather singular, that the hon. member, in bringing this report before the House, should have totally omitted the reports on the other courts. He could not help thinking that there must have been some little bias in this proceeding; seeing that those practices which were passed over as harmless in the Courts of King's-Bench and Common Pleas, were pointed out as most heinous in the Court of Exchequer. He agreed with the hon. member, that upon a subject like this it was impossible to hold a middle course, and in the name of the chief baron he disclaimed

any such wish. With respect to the case of the sheriffs, the hon. member contended that the sub-sheriff was appointed by the act. This the chief baron denied. He contended that the sub-sheriff was never within the meaning of the act. The decision of the court corroborated the chief baron in this. But if it was an error, it was one of forty years standing. The chief baron, in so construing the law, acted upon the grounds laid down by his predecessor; and therefore there was on this head no ground of charge against him. The hon. member, in alluding to the chief baron's clerks, had not stated what the duty of those clerks was. It was their duty to make up all the papers in the sheriff's office; and for this they were paid in the same manner as if they had been employed in other offices. He was sure the committee would agree with him in thinking it futile to place such a charge at the head of a number of accusations, upon which a bill of Impeachment was to be founded. Alluding to the fees for writs, he contended that those fees were never intended as a *quantum meruit*; they were the regularly established fees of the office. In the Secondaries'-office, the chief baron received no fee which was not also paid to the chancellor of the Exchequer, and to which he was not, according to established usage, fully entitled. Next came the copies of bills, which were paid for as exemplifications were in the Court of Chancery. This was made a crime in the chief baron; but it was no crime in the Court of Chancery. The hon. member, as well as other gentlemen, had these facts with respect to the Court of Chancery before them for years without even alluding to them; but the moment a similar practice was found to exist in the Court of Exchequer, it was declared to be a high crime. With respect to the charge made against the chief baron of having received fees upon a number of causes which had never been entered, the chief baron had not gained any thing by the new regulation alluded to, but would have lost considerably, had not that regulation been made. The hon. member proceeded to answer the other charges against the chief baron, and in conclusion, thanked the committee for the attention with which he had been heard. He felt himself bound to stand forward on that occasion; and if his arguments had not been sufficiently strong, it was owing, not to the deficiency of matter, but to the inability of the advocate. He had been defending that honour and character which might one day descend to him, and which, if it did, he should consider his proudest inheritance.—The hon. member sat down, evidently much affected, amidst the cheers of the House.

The Marquis of *Londonderry* said, that the hon. mover had laid his view of the case before the committee in a very distinct and fair manner; and the hon. member who had last addressed the committee, with feelings which did him great honour, had applied himself to the statement of the case with an anxiety to give all the information which could be given on the subject. But he would state to the committee the great doubt he felt whether they were in a situation to form any distinct opinion respecting the case; whether they were satisfied that there was ground enough to ascertain the course to be taken in the prosecution of their purpose; whether there were facts to designate, define, and describe the nature of the charge, and the proper course of inquiry. With his impression of the subject, and with such legal understanding as he possessed, the facts did not appear to be sufficiently investigated to satisfy the House that all the evidence was before them which would be necessary to justify an ulterior proceeding. He did not see at present how parliament could be delivered of the question in a manner suited to their wisdom, and to the dignified station of the individual implicated. It was impossible to dispose of the question either affirmatively or negatively. Under these circumstances, it occurred to him, that the best mode would be for the chairman to report progress, and that members should take advantage of the interval to consider of the course to be adopted.

Mr. *S. Rice* said, he acceded willingly to the proposition of the noble lord.

Mr. *Abercromby* concurred with the hon. mover, who had done his duty in a manner that reflected great honour on him.

The Chairman reported progress, and obtained leave to sit again on Tuesday.

Austrian Loan.] Mr. *R. Smith* rose to move for the production of a paper alluded to in the despatch which had been sent from Vienna to this country by lord Stewart, on the 5th of Feb. 1818. This despatch contained the rea-

soning of prince Metternich and count Stadion, in opposition to the payment of the debt due by Austria to this country. His object was, to show that the English government, by its acts in 1795 and 1797, considered the advances of money made by this country to Austria to be in the nature of debts, and not of subsidies. Mr. Pitt said that the loans had been solemnly acknowledged by Austria in the face of Europe, and that she never could violate the conditions which she had entered into, without the destruction of her credit. Mr. Pitt also observed, that Austria, beyond any other nation, was bound to be exact in her pecuniary engagements; because, from the nature of her financial system, she was compelled to have recourse to loans. From the correspondence which had been published between lords Grenville and Henley, it was evident that the former noble lord considered the money advanced by this country to Austria was advanced, not as subsidies, but as loans; and that the debt had never been discharged. He had also the authority of the noble marquis himself, to prove that government regarded the claim on the part of this country against Austria as still in existence. In point of fact, the people of this country were not only suffering the loss of 21 millions and a half, but were also paying the interest on the money. Now, when the emperor of Austria contracted the debt with this country, he pledged himself that the finances of England should never be burthened with paying the interest of the loan. Every article of the conventions which had been agreed upon at Vienna in 1795 and 1797 had been violated by the Austrian government. When our government, in 1818, applied to Austria for some ship-timber to be taken in liquidation of part of the debt, the Austrian government not only refused to let us have the timber, but denied the existence of the debt altogether. Under these circumstances, he thought that ministers, instead of opposing the motion, ought, in the present situation of our finances, to be willing to afford every possible information. No country had lost more by the war than England; while on the other hand, none had benefited more by the same circumstance than Austria. Her present resources were almost incalculable. Her government had lately declared, that it had not only been enabled to pay off its old debt, but a large part of its new debt also. The emperor of Austria possessed a larger revenue than any other sovereign in Europe. He was so abundantly supplied with money, that he had been able to make war upon Naples, and had now made a tender of his services to the king of Sardinia. When we saw the emperor enjoying these advantages, did it not become the duty of our government to inquire on what ground he refused to pay the debt which he owed to this country? There was nothing of a political character attached to this subject. It embraced no question of diplomacy, but was merely the assertion of a just demand on the part of England.

The Marquis of *Londonderry* admitted, that if government was inclined to compromise the affair with Austria, there might be some ground for the interference of the House. But that was not the case. He should certainly be deceiving the House if he were to represent the debt due by Austria as good as assets to the same amount in the hands of this government. It was true that the money advanced to Austria was advanced in the shape of loans; but in consequence of the struggles in which she had been engaged since the loans were advanced, that power had not hitherto been considered capable of satisfying the claims of this country. Every administration which had existed in this country since, had been of opinion that Austria was unable to pay her debts; although he could prove, if he were not unwilling to trespass on the time of the House, that she had wished to do so. He certainly thought that Austria would stand ill in the eyes of the world, if she denied the debt, until she received a *quietus* from this country. But he was of opinion that it would only prejudice the interests of this country when the period should arrive for an arrangement with Austria, if the House were now to interfere.

Mr. *Warre* observed, that as matters now stood, even a compromise seemed hopeless, as Austria refused all recognition of the loan: no man could draw any other conclusion from the papers, than that the faith of Austria was not to be depended on.

The Hon. *J. W. Ward* said, that the hon. mover was entitled to the thanks of the country, for agitating this question. A vast sum of money was owing to us from a foreign state. In the present embarrassed state of our finances, when re-

trenchment on the one hand and taxation on the other had been carried to their utmost limits, it was the duty of the House to inquire what chance we had of recovering it. A small part of such an enormous debt, if repaid, would afford considerable relief, and still greater satisfaction to the people of England. He could not, however, press for the production of the despatch to which he referred. The noble secretary of state had assured them that it would be prejudicial to the progress of the negociation; and he could easily conceive in what manner. Suppose, for instance, the Austrian government to have insisted upon certain principles, from which there might be still some hope that they might recede, how much more difficult that retractation would be rendered after they had been published in the face of all Europe. He felt it difficult to understand on what points the negociation could turn. If Austria denied the obligation, never was there a more scandalous breach of faith. If she stood upon the plea of inability, the question no doubt assumed a different aspect. The finances of all despotic governments, more especially those of Austria, were enveloped in an obscurity which no eye could penetrate. The grand principles by which they seemed to be governed were concealment and irresponsibility. But though the nature of the case did not admit of complete proof, there were circumstances that made one suspect that Austria was by no means so little able to discharge her obligations as she would pretend; not, indeed, to pay so vast a sum in one year, or in two, or in three; but to put it in a train of gradual liquidation. Austria was a country of great natural resources, which were continually rising up, in spite of that ancient and venerable system of mal-administration that was so dear to the princes and statesmen of the imperial House. It was true, that during the early part of the struggle with France, her efforts had been very great; but it was equally true, that for some years before the fall of Napoleon, she had enjoyed complete repose under the shadow of his protection—years, to us, of the heaviest expense, and most exhausting exertion. The two last wars in which she had been engaged were but short; and at the peace, by which England gained immense glory, but was content to forego selfish objects, the emperor, who had gained no glory at all, was compensated by more solid advantages. Never was labourer of the eleventh hour so richly repaid. He was placed not only on an equal footing with those that had borne the toil and heat of the day, but on a far superior one. He might, indeed, justly say, that the sacrifices he had made on the side of feeling and character, were such as entitled him to a liberal equivalent on that of interest. He had violated the most solemn public engagements—he had broken asunder the closest domestic ties—he had degraded his grandson—he had made his daughter a widow, by condemning his son-in-law to perpetual exile—a punishment due, perhaps, to the guilty ambition of that great disturber of mankind—just from Russia—just from Prussia—just from England—but from Austria, altogether cruel, perfidious, and wicked. For these deeds, his imperial majesty had received Dalmatia, the Tyrol, Saltzburgh, all Lombardy, and all the Venetian States—some of the finest and richest provinces—some of the noblest and most famous cities in all Europe; and from these he had never ceased to draw money to the capital of what was ironically called his paternal government, by every art and every severity of fiscal exaction. Were we then to believe that the emperor had not a single florin in his treasury, to repay to the suffering people of England money advanced, in order to save him from being hurled from his throne by the victorious armies of republican France? He was convinced that if the negociation were conducted with vigor, and in that high and temperate tone which, under such circumstances, England had a right to assume, it could not fail of success. He did not rely upon the gratitude or good faith of the imperial ministers; they had disclaimed both. But the friendship of England was too important to be risked for a comparatively trifling object. No doubt Austria was a valuable ally to England, but the advantages were not equal on both sides. England could maintain her power and pre-eminence, not only without but in spite of Austria; but Austrian ascendancy was entirely the work of England. If Austria were left to herself, she must quickly yield to her enemies, foreign and domestic. No country was more hated at home and abroad—by her neighbours and her dependents. She was hated by the great powers, to whom she was a rival—and by the small,

ones, to whom she was an oppressor—but, most of all, by those provinces which she had acquired by fraud and violence, and which she governed by the same means by which she had obtained them. She was hated by Russia—hated by Prussia—hated by the smaller German States—hated in Poland—hated in Italy—hated even in her ancient hereditary dominion of the Tyrol; whose loyal and valiant struggle in her behalf had formed one of the most splendid chapters in the history of the late war, but which she had alienated by cruelty and injustice—and where, never again, would a drop of blood be shed, or an arm voluntarily raised in her cause. If Austria persevered in an act of insolent barefaced injustice towards her only firm and powerful friends, it was because she flattered herself that they might be duped with impunity. That it was the duty of ministers to prevent; and, in the confidence that they would not neglect that duty, he gave them his vote.

Mr. *James* supported the motion, contending that the emperor of Austria could have no keeper of his conscience, otherwise he never could have denied the existence of this just debt.

Mr. *R. Smith*, after what had passed, begged to withdraw his motion.

American Loyalists.] Mr. *Courtenay* said, he had great satisfaction in being able to inform the House, that there were funds at the disposal of the Crown, out of which it was the intention of his majesty to provide for the claims of the American loyalists. It was not therefore necessary to press the motion for a committee on those claims.

HOUSE OF LORDS.

Monday, June 25.

Slave Trade.] The Marquis of *Lansdown*, on rising to make his promised motion respecting the Foreign slave-trade, said, that though the attention of the House had been called many times to that interesting subject, it never had been called to it under circumstances which more strongly required their consideration. If the result of their endeavours had been more fortunate than they were, it would still become their lordships, after the lapse of so long a period since the abolition of that detestable traffic by this country, and the engagements entered into by the other states of Europe preparatory to the same desirable end, to take a review of the subject for the satisfaction of their minds as to the progress of those combined measures. But, unfortunately, the circumstances which now solicited their lordships' attention were such as to render it incumbent on them to stimulate the government to still further exertions for the putting down of that abuse which still continued to disgrace the world, under the negligence or connivance of other powers. Whatever opinion he might have entertained as to the efforts which were made at the congress of Vienna, for the purpose of enforcing what parliament had declared to be an object of such importance with this country; however he might have complained of remissness in that instance; he was ready to state on the present occasion, that great exertions had been exhibited, and particularly by his majesty's ministers, in order to put down that odious traffic abroad, which we had banished from our own dependencies. When this country resolved upon relinquishing her share in the guilty traffic, it was expected that into the vacuum thus created, unprincipled adventurers from all quarters of the world would run. Accordingly, as had been foreseen, on the restoration of peace, the unprincipled and wicked of all nations speculated on the opportunity. Against this there was no remedy, but in the engagements with foreign states. Great Britain was entitled, in the name of humanity and justice, to appeal to those other countries, upon whom she had prevailed in the congress of Vienna, to join with her in the endeavour to abolish it throughout the world. No power was found at that congress so base, so unprincipled, so ignorant of what was due to mankind from Christian governments and Christian nations, as to identify itself with this traffic; on the contrary, there was but one voice from all, with the exception of Portugal, declaring, that the trade should be put an end to. In pursuance of these engagements, acts and ordinances were passed. Spain, Portugal, the Netherlands, France, and America, all pledged themselves to the abolition within stated periods. The congress of America had proved its sincerity, and in furtherance of the great object in which it concurred with this country, had passed an act last session, declaring all her subjects who embarked in the slave

trade, whether in American or foreign vessels, guilty of piracy, and liable to the punishment of death. He now came to the painful task of calling their lordships' attention to the manner in which those treaties had been executed by the other countries; and it was with great concern he stated, that with the single exception of the United States, they had all failed to carry their engagements into effect. At that one instance their satisfaction must stop; for the rest had manifested such laxity in punishing, and even in some cases such a degree of favour towards, persons carrying on the trade, as greatly to counteract the exertions made by this country. Turning in the first place, to Spain, their lordships would find, from the papers before the House, that though Spain had engaged to abolish the slave trade north of the line, from 1817, and south of the line from 1820, our own consul at the Havannah stated, that slave ships continued to enter that port, and slaves continued to be landed at the Havannah itself, so little was the attention paid to the abolition law. Up to May 1820, vessels were still fitting out for the same purpose. With regard to Portugal, their lordships would find that no material diminution had taken place in the slave trade: 18,000 slaves had been carried into her colonies since the abolition. Of 2,000 conveyed to South America, one-fourth had been lost; and in one vessel, out of 300, 144 had died. There was too much reason to suspect that many persons in authority were concerned in the traffic. The Portuguese governor of the Isle of Princes, was one of them; and it was notorious that there was no diminution in the supply of slaves from Africa to Surinam.—He now came to the steps taken by France, and sure it was to be expected that a people living under a representative government, and enjoying privileges themselves, should feel a desire to carry the laws against this odious and detestable traffic into effect. Years had elapsed, yet no effort had been made; and they had the authority of sir George Collier that, under the French flag, not less than 60,000 slaves were brought from Africa in the course of a single year. The remissness of the French government might be collected from two instances to which he should refer. The Jeune Estelle and another ship called the Rodeur, were fitted out for the traffic. Sir C. Stuart, whose exertions in such cases were entitled to the highest praise, communicated the fact to the French government: but the only answer made to him was the affidavit of a captain, who swore that he knew nothing of the slave trade, and that the Spanish and other vessels concerned in it called themselves French, for the purpose of casting the odium upon that country. The vessels sailed to their destination: it happened that some time after the Rodeur left the coast of Africa, a dreadful ophthalmia prevailed among the slaves, which was communicated to the crew; so that there was but a single man who could see to guide the vessel into port. There was but too much reason to believe that many of the slaves, who became totally blind, were thrown overboard as unproductive articles of merchandize; some were, however, conveyed to the hospitals, and so singular and severe were the symptoms of the disease, that it became the subject of scientific inquiry at the Ophthalmia Institution, at Paris. So notoriously was the trade carried on; yet it would seem that the vigilance of the French police could not enable them to ascertain whether the Rodeur carried out slaves at all. Such was the unpardonable remissness of the French government. In the case of the Jeune Estelle, which was overtaken by a British cruiser, there was reason to fear that many of the slaves had been thrown overboard in casks; and many, both men and women, were found stuffed into casks on board, and almost expiring. They were discovered by a British sailor, who overheard their feeble groans. These facts were sufficient to prove that the nefarious traffic was likely to extend with aggravated cruelty, if some further attempt was not made by this country. After quoting the dispatch of sir G. Collier, in corroboration of the success of the trade, he alluded to an advertisement in a French newspaper, as an additional instance of its notoriety. The advertisement described a vessel then fitting up for the coast of Africa, there to purchase about 100 mules. Such was the flimsy pretext, which was found sufficient, under the eye of an enlightened government, to carry on a trade which desolated one quarter of the globe. He had much satisfaction, however, in stating, that the Indian government had concluded a treaty two years ago, with the Arabs, in which it stipulated for the abolition of the slave trade, and that the Arabs observed it

strictly. He was aware of the difficulty of making suggestions that were likely to be beneficial; but he thought this country had clearly a right to call upon other countries, who proposed to join us in putting down the traffic, but resisted a right of search to state by what means they proposed to carry their purpose into effect. Abandoning the principle of mutual search, it might be worth while to consider, whether some modification could not be found which would reconcile it to all parties. For instance, might not the presence of an officer from each country, on board the searching vessel, to sanction the search of vessels from the same country, reconcile all to the practice, without compromising the right? Another principle was that of universal registry, and a grant of freedom to all whose births were not registered after a certain time. It was not on the ground of humanity alone that this trade was to be resisted; it carried along with it passions and habits blighting to the industry of nations. The noble marquis concluded with moving an address couched in the same terms as the address moved by Mr. Wilberforce in the House of Commons on the following day.

Earl *Bathurst* said, that though he did not agree implicitly in every sentiment contained in the address, he should give it his support. With respect to the adoption of a registry, as there was not the same general dislike to the trade among the people of other countries which existed in this, it was much to be feared that it would be evaded. The conduct of other countries on the subject was a matter of great delicacy. All he hoped was, that their lordships would believe that the government of this country had done its duty; and he would promise them that no exertion should be spared to give effect to the abolition by every means which ministers could command.

Lord *Calthorpe* expressed his satisfaction at the avowal of the noble lord, and declared himself strongly in favour of the motion.

The motion was agreed to *nem. dis.*

HOUSE OF COMMONS.

Monday, June 25.

NAVIGATION ACTS.] The House having resolved itself into a Committee on the Navigation acts,

Mr. *Wallace* said, he did not mean to enter into a review of the actual situation of the commerce of the country, neither did he intend to describe the effects which had been produced by a transition from war to peace. They were now in a situation extremely different from that in which they were placed some years ago. They had not now the undivided empire of the sea; they could not command the navigation of the ocean, but must be content to proceed on a fair system of competition, and to carry on their dealings under strict commercial rules. It must be evident that there was abundant ground at the present moment for making every effort in our power to assist trade and commerce. Before he came to the propositions which he meant to submit, he wished to state one object that he had in view in bringing this subject forward. Important as these propositions were, he felt that they were less important than the general purpose which he contemplated. He brought these measures forward, connected with and as parts only of a project, the paramount importance of which every writer on the commerce of this country had acknowledged; and which had been recommended by the committee, in the chair of which he had had the honour of sitting. In consequence of that recommendation, it now devolved on him to bring the subject before the House. The object was, to simplify and consolidate, and thereby to render more beneficial, the general commercial law of the country. It was intended to do this, by relieving it from a great part of that immense mass of legislation which successive centuries had heaped on it; and by removing those contrarieties and contradictions, by which almost every portion of the existing law was rendered obscure, and difficult of application. There were not much short of 2,000 laws relating to the commerce of the country. And when he added, that these acts were passed during almost every period of our history, under various circumstances, sometimes of a mercantile, and sometimes of a political nature, and that the principle of restriction had always predominated, and been enforced by the strongest measures, he thought it could not be deemed extraordinary, if there appeared in laws so passed, a great deal of confusion and contradiction. Many of those laws were enforced by the severe penalty of seizure and confiscation. They operated greatly to the injury of the com-

merce of the country, because they checked the spirit of adventure. The revision of these laws divided itself, first, into that part of the commercial code which applied to our intercourse with foreign nations; and next, into that portion of it which applied to the intercourse carried on between different parts of the empire. This was the first great division which he wished to make. It then divided itself into the revision of laws relating to the colonies, to the fisheries, to the coasting-trade, and to the registry. Pursuing these different heads, a general consolidation of the commercial law of the country would be effected; and instead of being dispersed over the whole of the Statute-book, it might, without much difficulty, be brought together in a comparatively moderate compass. That which was doubtful would be cleared up; that which was beneficial would be retained; and that which was useless or injurious would be rejected. A system of law would thus be produced, more befitting the present situation of Europe, more liberal to foreign states, more beneficial to England, and in every respect more worthy of perhaps the greatest commercial nation that ever existed. He would, in effecting this object, lay aside all the laws that related to the production of the revenue, and those which were intended to protect particular interests. The propositions which he meant to introduce would point out distinctly how trade should be carried on; in what ships, to what places, and in what manner. The object he had in view was to enable every man to know distinctly what the law permitted, and what it prohibited; so that it would be in his power to enter into any branch of the trade of this country, unchecked by any of those apprehensions by which he was at present beset. The apprehension that he might incur some penalty, with the existence of which he was unacquainted, but which perhaps lay darkling in the deep recesses of the Statute-book; the fear that some obscure enactment might be enforced to rob him of his profits, and consign him to ruin, paralyzed the efforts of the merchant. It was to obviate this vexatious state of the law that he was anxious to introduce the measure to which he had alluded. It was his design to give additional freedom to the shipping of England, and to extend that freedom also to the vessels of foreign states, by relaxing but not departing, materially from the fundamental principle of legislation which had been acted on for centuries. Although the expansion of commerce must have been one of the most important objects of that legislation, it had not succeeded to the desired extent. Every thing, he believed, had been done to encourage commerce that was in the power of those who had legislated on the subject; but, as the establishment of maritime power was deemed of much greater importance than the extension of trade, they had adopted the navigation laws. Much undoubtedly had been done in favour of commerce; but, whenever there was an opposition between commerce and navigation, commerce was always obliged to give way, and was made a sacrifice to the interests of navigation. This formed the foundation of all the navigation laws. To the general wisdom of those laws he was happy to bear testimony: at the same time he must lay it down as an established principle, that commerce and navigation were inseparably connected with each other. The only true foundation for a powerful marine, was a great, flourishing, and extensive commerce. They ought, therefore, to use their best endeavours to extend the commerce of the country, and to remove every barrier that stood in its way, by rescinding all those restrictions which could possibly be given up. He knew that there were particular cases in which those restrictions could not be removed. There were claims of justice and of protection to which parliament must undoubtedly attend. But this he must state, that every commercial restriction should have in view the preservation of our maritime power. That was the only ground of policy on which restrictions could be wisely continued. It was under these impressions that he came to the consideration of the navigation laws, as they affected the intercourse of this country with foreign states. He intended, first to consolidate, and next to amend them, by doing away certain restrictions, by affording a greater degree of freedom to the shipping of this country, and also to the vessels and commerce of foreign states. He wished to give to the commerce of foreign nations the freest possible access for the purpose of exportation from England. In short, he was desirous of making this country the general dépôt, the great emporium of the commerce of the world.—The proposi-

tions he meant to submit to the committee were three. The first measure would be a bill of general repeal, which would apply to a great number of acts. The principle of the navigation laws was embodied in the 12th of Charles the 2nd, and in several acts that were founded on it. That act divided itself into the law, as it related to Europe, and as it referred to the intercourse between different parts of the British empire. As to Europe, importation was free with respect to all articles, except certain products which were known under the name of "enumerated articles." But it was necessary that the articles not prohibited should be brought from foreign countries in ships belonging to Great Britain, or else in vessels the property of the state whose produce was imported. There was another restriction under this law, by which certain articles, the manufacture of Holland and the Netherlands, could not be imported under the penalty of confiscation. It was his intention to move for the complete repeal of every act passed on this subject antecedently to the 12th of Charles 2nd. They were not much short of 200; and he would propose their repeal on the ground, either of their conflicting with the principle which governed our navigation law, or because they were rendered useless, their operation having been superseded by other enactments. With a view to this object, a very laborious examination of all the laws relating to commerce had taken place. He had availed himself of the assistance of gentlemen who were perfectly competent to the task of investigating the existing laws. When he mentioned the names of Mr. Brooke and of sir T. Tomline, he was sure they would be recognised as individuals well known to the House for their talents. He would, in the first instance, introduce a bill to repeal the laws to the extent he had stated. He did not mean to call for the passing of it in the present session; but it should be laid on the table for the consideration of gentlemen. The measures he proposed to introduce would range themselves under three heads: first, importation; secondly, exportation; and thirdly, the laws of staple. The right hon. gentleman having completed a summary review of the navigation laws, proceeded to contend, that the main object, with a view to which they had been framed, had been accomplished, namely, that of making us the greatest maritime power in the world. The importance of such an object could never be overrated. The proposition was unquestionably correct, that they who possessed the dominion of the seas, would command the commerce of the world; and to command the commerce was to command the wealth of the world. It might also be added, that to command its wealth, was to command the world itself. He proposed, with these views, to repeal all the acts antecedent to the act of Charles 2nd, in order to remove the existing contradictions. He next came to the question—Whether any, and if any, what additional alterations this body of laws would then require? He should suggest two: one of these, in the desire of giving additional freedom to foreign commerce; the other, with the same view towards our shipping interest. As the navigation laws at present stood, there were certain of them, by which Holland, the Netherlands, and Germany, as to a variety of articles, were absolutely excluded from our commerce: with respect to some of those articles, indeed, they were cut off from all intercourse with this country in any shape whatever. These restrictions he should propose to do away. He could consider them only as the vestiges of that ancient distrust and enmity which, he trusted, in these days existed no more. This country could no longer entertain the same ill-will towards them. Holland, for instance, had ceased to be the object of national jealousy,—to be the emporium of the world, or the general carrier between all nations. The intended removal of certain other restrictions which were imposed upon our commerce with Russia and a part of Turkey, would have the effect, he trusted, of leaving the trade of this country with the whole of Europe infinitely more free and open than it at present was. By the bill in question he should propose to make one or two additions only to what were called the enumerated articles of the statute of Charles 2nd; and to articles so enumerated would then be confined all the restrictions which would, for the future, be laid on the mutual commerce of Great Britain and those countries. There was another restriction which he also should propose to remove. It regarded our commerce, both with European powers and those of other continents. The enumerated articles which he had before alluded to could, under the existing laws, be imported into this

country only in ships of the countries which such articles were the produce of, or in British bottoms. This part of the law he was desirous of repealing, considering it to be of the most vexatious operation. If a merchant, resident in any one of such countries, was desirous of exporting any article, the particular produce of it, and had a vessel in the port, but belonging to another state, he could not send it hither by that vessel, but must take up a British one, or wait till he could charter one of his own nation. This was at once vexatious and injurious to the foreign merchant, and inefficient for the purposes of our own law. The only effect of this arrangement was, to make the assortment of the cargo more tedious and inconvenient. The whole of this enactment, therefore, he proposed to do away. Another defect of the present system arose out of the division of Europe into kingdoms. It was well-known that there was a great difference in that division between the age of Charles 2nd and the present time; and the consequence was, that the law made distinctions which were perfectly unfounded. What was France in that day was not France now. Thus, goods might come from Calais, a port of France, without any interruption; which very goods, as coming from Dunkirk, now equally a port of France, were absolutely prohibited by the existing law. Could any thing be more absurd? To avoid the recurrence of similar anomalies he proposed to destroy these distinctions of countries altogether, and to substitute for them the distinctions of articles of produce. As the law now stood, the produce of Asia, Africa, and America, could only be brought to this kingdom from the ports of those continents directly. But he should suggest the alteration of this ordinance. If Asiatic produce, for instance, were shipped from a port in America, he should propose that it be permitted to be exported from America hither. After all the inquiries he had been able to make, he was perfectly convinced that the foreign ship could not trade cheaper than the British ship; but, on the contrary, that if the British ship had only fair play, it could trade much more cheaply than the foreigner. The supposition that the cheapness of the ship affected the commerce, proved too much; and was rather fatal to the argument of those who had insisted upon that principle; for, if it were true, the whole carrying trade of the north of Europe would, at that rate, be confined to ships built in that particular part of the world, where ships cost the least sums in building. The fact, however, was quite otherwise; for the carrying trade in our own and other vessels was daily making its way there. As the continuance of a state of peace furnished the only chance of a continuance of the trade with continental Europe, he should endeavour to take a security for its preservation to us: for though the advantages of that trade to the continent, generally, were great, he did not think that they were so great as that we might expect, in the event of a war, that they would suffice to ensure its continuance. The security, therefore, which he should propose to take, would be the imposition of a duty on all property imported from Africa, Asia, or America, in European vessels not being British; and this duty would be put on, not for the purpose of raising any large revenue from it; but with the view of preventing such importations from becoming an habitual trade.—There might be some difference among honourable gentlemen in regard to several of the minor points which were embraced by these measures; but, on the general principle of enabling this country to become the general dépôt of the commercial produce of the whole world as it were, no such difference of opinion could arise. This was the principle of a commercial nation's wealth, of its greatness, and its influence. To this cause might be attributed the opulence and prosperity of the commercial states of Italy in the middle ages. Those states possessed all the enterprize of commerce, and became the dépôt of the general produce of the world. The same thing might be said of Holland, which owed its rise and its advancement to these very causes, at a later period; and whose fall might be, perhaps, properly attributed to her inordinate jealousy of that advantageous station among kingdoms. The circumstance of a nation's becoming this grand dépôt, had always been productive of beneficial effects to commerce generally. He thought it not too much to say, on this occasion, that in exact proportion to those advantages, which our becoming that dépôt would confer upon the world at large, would be the benefits that would accrue to us. It certainly did appear to have been reserved for these days to see

the policy of making this country the general dépôt of commerce, and he anticipated from such a system of measures the happiest results. It was not until the year 1803 that this great principle had been at all recognized by our legislature; and then an act of parliament was passed, in which, for the first time, it seemed to be in some way affirmed. But as for the system generally to which he had been directing the attention of the House, it did appear to him that their policy, at all times an illiberal one, was a policy, the rule of which in time of peace was absolutely inapplicable. When, from the state of the world, there were in other countries manufactures; when other states possessed ships; when other nations had capital to employ; it did appear to him monstrously absurd, that we should deprive ourselves of that great advantage which we might derive from becoming the dépôt of the world; and this, too, from the mere desire of preventing the produce of foreign countries from getting into any foreign market: as if, because we could not have the one benefit, we should deprive ourselves of the other,—the benefit of such produce coming through this country.—He should put in the clauses of his bill, the words "excepting such articles as are herein excepted;" and he would state what was the reason of that exception. If he were to exclude these words, it would appear as if he meant to prejudge the great question with respect to the transit duty bearing on certain foreign goods, particularly linens. Now, he by no means wished so to prejudge it; and therefore he thought it best to put in a special exception of this kind. He intended to propose almost an entirely new regulation of the warehouse duties and system; and for that purpose he should suggest that all goods imported into this country be divided into two classes. In the first class, he should place all those which paid the highest duties, and of the consumption of which in this country there was the greatest danger. He should propose, that all such goods be kept in warehouses of a particular description; being either in docks, or surrounded by walls; or that such goods be assigned to any certain warehouses to be specified by warrant from three lords of the Treasury. This having been done, it was his intention that goods so warehoused should have the advantage of being exempted from reweighing, and liability to such allowance for deficiencies as it was customary to subject them to. The second class of goods he should propose to be placed in warehouses of a less secure description, and that, in all cases of suspicion, they should be liable to re-weighing and re-examination. He should wish an average of the deficiencies allowed under the present system to be taken; and a certain scale of allowance made for deficiencies taking place in goods deposited in warehouses the best secured: that allowance to be extended, after a proportionate rate, to goods deposited in warehouses of a less secure description. Upon the subject of these deficiencies generally, he thought that goods, in many cases, could not be exempted from the inconvenience, and in point of fact, he was not desirous that they should be; for that circumstance might operate to induce the building of such docks and warehouses as might, in time, exempt commercial men from it entirely. He was himself one of those who felt the advantages of the dock system in the highest degree, both with respect to its operation on the revenue, and to the protection from plunder which it extended to the merchant. All these advantages, however, he thought it was very possible fully to retain, and yet allow a fair competition between the docks and stores generally. Much benefit from that competition would unquestionably accrue to the public. He should further propose, that in the bill all the regulations upon this subject, which were dispersed at present through a variety of acts, should in one single statute be brought altogether under view. He proposed by it to do away with every kind of prohibition that now existed in our commercial system. Experience had proved that the principle of prohibition had no effective operation. It raised the price of the article; and yet the article under that disadvantage, and with an additional cost to cover the risk, always obtained a sale; instances were not wanting where a commodity was sought after while the prohibition existed, but of which, when the prohibition was removed, the consumption ceased. It was to be lamented that the foreign trade of this country had long laboured under very severe burdens, which were in a high degree injurious to it; and particularly from the heavy charges to which it was subjected on account of the light and harbour dues. He

had received a letter on this subject from a consul abroad, who had been much employed by foreign powers, and who stated that he knew several instances of masters of vessels, who were sailing under instructions from their owners, not to enter, under penalty of losing their employments and emoluments, any British port, excepting in cases of the most imminent peril. These instructions were given in consequence of the heavy demands which were made on foreign ships for these dues. Now, it must be apparent that in nine cases out of ten, if the near approach of what a master might consider to be imminent peril, was to be the condition of putting into a British port, these ships must be lost at sea. On every ground, therefore, both of advantage to the country and of humanity to those engaged in navigating our seas, he should propose to have these burthens removed, or alleviated as far as could be effected. Such was the outline of the propositions which he had felt it his duty to submit to the House. The right hon. gentleman concluded by moving, "That the chairman be directed to move the House for leave to bring in a bill to repeal diverse ancient statutes and parts of statutes, so far as they relate to the importation into, and the exportation from, England, of goods and merchandise from and to foreign countries;" also, "a bill to explain and amend the several acts for the encouragement and increase of shipping and navigation; and to regulate the importation of goods and merchandise into Great Britain, so far as relates to the countries from whence and the ships in which such be made:" also, "a bill to make more effectual provision for the permitting goods imported into Great Britain to be warehoused or secured without payment of duty."

Mr. *Sykes* said, he concurred in the general view taken by the right hon. member. He would, however, reserve to a future period his observations upon its details. He was not so wedded to the existing navigation laws as to oppose any amendment upon them; but he felt that any alteration ought to be matter of serious deliberation. He was aware that there existed among the shipping interest a strong feeling of alarm upon this question. It was true that the shipping interest was of great value, but of late the ship-owners derived no advantage from their ships. The right hon. member was mistaken if he imagined that British ships could compete with those of foreign countries. The fact was, that in such an event as the removal of all restriction, Holland and other countries would, from the cheapness of labour, of materials, and from other causes, be enabled to build vessels, not so good, perhaps, but sufficiently good to earn double the money, at one-half the expense.

Mr. *D. Browne* thought that the repeal of the transit duties on foreign linens would be total ruin to Ireland. The counties of Armagh, Cavan and Down would be seriously injured by such a proceeding; but those counties in which grey linen was manufactured would suffer still more.

Mr. *Baring* concurred fully in the measure proposed by the right hon. member. He thought that a free importation would be productive of the greatest benefit. He hoped ministers would not be deterred by ignorance or clamour from following the course which they had laid down. Many foreign merchants were now deterred from trading with us in consequence of the complication and severity of our navigation laws.

Mr. *Marryat* said:—Sir; wherever our navigation laws and colonial policy are the subject of discussion, they are constantly attacked by certain gentlemen, who take every opportunity to preach up the new, but delusive and dangerous doctrines, of free trade, and the abolition of all restrictions upon foreign competition. This course has been pursued on the present occasion. Those who condemn our navigation system, and apply to it the epithets of prohibitory, exclusive, and illiberal, do injustice to its true character. The leading feature of that system is, that all commodities shall be imported into Great Britain, either in a British ship or in a ship belonging to the country of which those commodities are the growth, produce, or manufacture,—a regulation founded on the most perfect justice and reciprocity, because it places the foreign ships of every country on precisely the same footing as British ships in the trade with those countries, and therefore is a principle of which no power can reasonably complain. It is certainly not favourable to the growth of our own foreign commerce, or of that opulence which arises out of it; but while it makes commercial profit a subordinate object, it lays the foundation of naval power, by securing

to British-built ships, manned with British seamen, the carrying trade of all the commodities Great Britain imports from those countries who have no shipping of their own; which was the case when the navigation laws were first passed, with Asia, Africa, and America. The exceptions which have since been made in favour of America and the Brazils are not relaxations of the navigation system, but merely adaptations of it to existing circumstances, placing those countries, as soon as they had shipping of their own, on the same footing as the European powers, which possessed shipping when the navigation laws were originally passed. The great object of our ancestors in framing those laws was, to establish a belligerent navy. The first enactment on this subject is the 15th Richard 2nd, which declared "that none of the king's subjects should export or import, save in ships of the king's allegiance," and this is stated to be, "per encresir la navie d'Engleterre." The act of the 4th Henry 7th recites this object more at length, and runs thus:—"That, whereas great minishing and decay hath been now of late time, of the navy of this realm of England, and idleness of the mariners within the same, by which this noble realm, within short progress of time, without reformation to be had therein, shall not be of sufficient ability nor strength to defend itself, &c." It then orders, "that no person, inhabitant of this realm, other than merchant strangers, shall ship in any foreign vessel, out, or home, or coastwise; and that no wines or other articles shall be brought from France, but in ships whereof the king or his liege subjects are owners, and the masters and mariners of the same English, Irish, or Welch, or men of Berwick on Tweed." The first of Eliz. repealed the act of Henry 7th; but the 5th of Eliz., c. 5, revived it, and farther provided for the encouragement and extent of the fisheries. Among other regulations it enacts, "that no subject shall eat flesh meat, or otherwise than fish, on any Wednesday within the year, on pain of very heavy penalties;" adding this curious injunction, "that none shall presume to say this ordinance is for the good of the soul of man, or other than for the support of the fisheries, and the navigation of the kingdom." In the reign of Charles 2nd the great lord Clarendon completed the present system of our navigation laws, in various statutes, and engrafted upon it the colonial monopoly, which has ever since been continued. Although not commercial profit but naval power, was the original object of those who framed our navigation laws, yet both have been most successfully accomplished by them, in the result. From the extent to which Great Britain has raised her manufactures and her colonial acquisitions, her imports and exports far exceed those of any power on the globe; and, under her navigation system, all her commerce with her colonies and dependencies, and those states in distant parts of the world who have no shipping of their own, is carried on exclusively in British ships manned by British seamen. The principle of this system is at once simple and comprehensive, and may be said to apply the greatest possible extent of human wisdom to the widest possible range of human action. Surely, then, we should be careful not to touch with rash hands, a system, the excellence of which has been proved by the experience of a century and a half, and under which we have attained to a degree of commercial prosperity and naval power, unprecedented in the annals of history. Those who so warmly and hastily contend for the new system of abolishing all the restrictions imposed upon foreigners by our navigation laws, remind me of an observation of lord Verulam, in his Novum Organum. His lordship says, "The understanding is naturally forward, not only to learn its knowledge by variety; but also eager to enlarge its views, by running too fast into general observations and conclusions, without a near examination of the particulars, enough whereon to found those general axioms. This seems to enlarge their stock, but it is of fancies not realities. Such theories, built upon narrow foundations, stand but weakly; and if they fall not of themselves, are at least very hard to be supported against the assaults of opposition." As the Committee on Foreign Trade justly observe in their Report, "It is impossible to calculate with certainty on all the bearings of a measure so extensive in its operations as the repeal of the navigation laws," and in recommending this sweeping experiment, they seem to have lost sight of that diffidence for which they give themselves credit. The repeal of those laws, as far as they relate to Europe, would not materially injure our carrying trade; but repealing them all over the world, and throwing open our commerce to all foreign ships, with

the commodities of every part of the globe, is an innovation that cannot be justified by sound policy. Under the new system recommended, many branches of commerce, which now begin and end here, would originate in foreign countries. At present, we make up assorted cargoes, principally with our own manufactures, but partly with foreign goods warehoused here for exportation; and import articles in return, for which our market alone offers a certain and advantageous demand. This is the case with palm-oil, gum, and dye-woods from Africa; with hides, cochineal, and tallow from South America; with cotton and indigo from India; and various other commodities from different parts of the world, for which our manufactories, furnish a constant consumption. If we permit other European nations to bring these commodities into our market through their contiguous ports, we shall encourage them to send out their own manufactures in their own ships to purchase them with; and remove the only obstacle to their enterprize, the impossibility of finding a sale for their return cargoes. We shall make this, which is now the exporting country to Europe, the importing country from Europe; and instead of British shipping having the long voyages to and from Asia, Africa, and America, they will only have the short voyages from the adjacent ports of the continent. Our commerce will be reduced to the present state of the other European powers, and theirs will be increased to the present extent of our own. In short, we shall give up the advantages our ancestors have gained for us by the navigation system. These sentiments are given in evidence before the Committee on Foreign Trade by Mr. Frewin, Mr. Buckle, Mr. Nickall, Mr. Lyall, and Mr. Blanchard, all of whom object to the repeal of the navigation laws as to Asia, Africa, and America. Mr. Bowden thinks the measure might be advantageous in time of peace, but not in time of war; and Mr. Hall, though rather in favour of it, hesitates to give a decided opinion. The committee in their report have certainly come to a conclusion not warranted by the evidence before them.—Let us consider the effects of the measure upon our shipping and navigation. One of the most valuable parts of the evidence given before the Committee on Foreign Trade, is that which corrects the unfounded assertion contained in the Report of the Lords' Committee on the same subject, that "British ships can maintain a successful competition with the shipping of every other nation," an assertion which is disproved by the very witness who endeavoured to establish it; for he was obliged to acknowledge that the British ship-owner pays taxes of near 100*l.* per cent on the most material articles used in the building and equipment of ships. The evidence shows the cost of ship-building in England, to be 17*l.* 15*s.* 3*d.* per ton; in Prussia, 9*l.* 19*s.* 4*d.*; and in Norway, 8*l.* 9*s.* The rate of seamen's wages, and the expense of provisions, in the Baltic, are stated to be little more than half what they are in this country: and it is proved, that they navigate their vessels with as few seamen as we do, in proportion to their tonnage. One of the witnesses states, that since our attack upon Algiers has obtained for all the other European powers the same protection from Algerine capture as we before exclusively enjoyed, they have completely supplanted us in the carrying trade between the different ports in the Mediterranean, and between the Mediterranean and the Black Sea, which till then gave employment to 700 or 800 sail of British ships, and 10 or 12,000 British seamen, but now employs none. In like manner, the trade between this country and America, is carried on almost exclusively in American ships. It is highly important to bear in mind, that at some future period we must be again engaged in war. We shall then have no nursery for seamen, and our maritime power must be transferred to those nations who will have become possessed of our carrying trade. Thus the result of the proposed measure will be, the ruin of our naval greatness; which will decline gradually in time of peace, but suddenly in time of war. In the former state, we shall die by inches; in the latter, we shall be put out of our pain at once. We are placed in an artificial state of society, and this must be taken into account in all our calculations. I admit that, upon general principles, all commercial restrictions and prohibitions appear to be prejudicial, and that if we had a new state of things to form, we ought to adopt the most unlimited freedom of commercial intercourse. By these means, every nation would be enabled to import those commodities which it does not produce, at the cheapest possible rate; and would direct its own industry to those productions for

which its soil, its climate, or the genius and habits of its inhabitants are best calculated. The taxes necessarily raised to pay the interest of our national debt, enter into the price of labour, and every thing that is produced by labour, and make it impossible for us to maintain a successful competition with foreigners who are not subjected to the same taxation. I have shown this to be the case with the British ship-owners. It is severely felt and loudly declared by the British agriculturists; and is equally true of our manufacturing classes, except where particular local circumstances enable them to counterbalance this disadvantage. We have to consider how our colonial interests would be affected, by the adoption of this new system. At present, our colonies trade with Great Britain alone; they are bound to take every thing from her, and send every thing to her, in British ships; she giving them in return, for this double monopoly, a preference of the home consumption of their produce in her market. The committee, in their Report, talk of preserving the supply of our colonial possessions with British manufactures under this new system; but surely this must have been written without due consideration. But if on the principle of buying every thing where it can be bought cheapest, and taking off all restrictions merely protective against foreign competition, you deprive them of the protection they now enjoy in the home consumption of your market, it will be impossible for them to exist; restriction and protection must go together: either both must be continued, or both abandoned. The colonies must have the same privilege of free trade, in the purchase of their supplies, which you claim in the purchase of your produce; and under the same free trade, must be allowed to find other markets for that produce which you repudiate. Here then it becomes highly important to consider the consequences of destroying the present system. Mr. Burke, speaking of the advantages of the commerce of Great Britain with her colonies, says, "Fiction lags after truth; invention is unfruitful, and imagination cold and barren;" and the facts amply bear him out in this assertion. Under the present system, your West India colonies, containing a population of less than a million, are far more valuable to you than your East India dependencies, with a population of 100 millions. The former annually consume your manufactures to the amount of 6 or 7 millions: the latter only to the amount of 2 millions. The former, in their direct trade to the mother country, and their trade to the British provinces in North America, employ 1,000 sail of shipping, and more than 20,000 British seamen; the latter not 200 sail of shipping, and about 6,000 British seamen. The former are allowed to manufacture nothing, not even to refine their own sugar; the latter manufacture not only for their own use, but their manufactures come into competition with yours, in every part of the globe. This comparison shows the advantages of the present over the intended new system, under which you would enjoy no greater proportion of the commerce of your own colonies, than you now do of any other colonies, having a free trade. Cuba is one of that description, and not more than one-twentieth part of her commerce is carried on with Great Britain. Nothing is more specious than the idea of a free trade; but the advocates for this free trade, though ready enough to make our trade free to foreigners, have never shown how the trade of foreigners is to be made free to us. They call upon us to set the example of this liberal system, whether other nations follow it or not; that is, to give without the certainty of receiving any thing in return; a system, which they would not find it their interest to adopt as individuals, and which, upon the same principle, I cannot consider as likely to be attended with any benefit to us as a nation. Commerce has been defined to be an exchange of equivalents; but this new commerce is to be founded on the opposite doctrine of no equivalent. It is to be a sort of what I have heard called Irish reciprocity, or reciprocity all on one side. At present, our own domestic consumption and that of our colonies and dependencies, secure us great advantages and an immense carrying trade, all which we are desired to open to foreigners, for the chance of what they may be pleased to give us in return; but before we accede to this proposition, we ought in common prudence to be satisfied, both as to what they can give and what they will give. Much stress is laid upon the advantages we are to derive from other nations being influenced by our example, of adopting a more liberal system; but in point of fact they have little to offer in return for that immense commerce of ours, in which it

is so important an object to them to participate. This plan of an equal distribution of commerce, is something like that of an agrarian distribution of land; very suitable to the desires and interests of those who are poor, but very unsuitable to those who are rich: and therefore, we who are rich in commerce, are the last persons with whom such a proposal ought to originate.—Granting them however, for the sake of argument, the ability, how stands their disposition to make an adequate return to this country? On this point, we may form our judgment from their conduct towards us since the peace, which happily accomplished the deliverance of Europe, at an expense of not less than 800 millions of our money. The emperor of Austria, who appears determined not to repay us the money we lent him, has totally prohibited all our manufactured goods throughout his dominions, burns them whenever they are found, as fiercely as ever Buonaparté did in the days of his most furious wrath against this country, and has extended this system to those Italian states which, through our assistance, he was enabled to add to his territories at the end of the war. The emperor of Russia has laid such high duties on our coarse woollens, except those which are contracted for to clothe his own troops, as almost amount to a prohibition: he has also totally prohibited our woollens of every description from passing through his dominions *in transitu;* and thus has deprived us of a large and increasing sale for them, in China and Persia, through Tartary; and has given a monopoly of that trade to the woollens of Prussia. He has also made a new distinction in his tariff of duties, between sugars clayed in Europe and in every other part of the world; by which means he has excluded our crushed lumps, and given the supply of his dominions to the clayed sugars of Cuba and the Brazils. France has rejected our propositions for establishing a more liberal system; and all our attempts to form a commercial treaty with her have proved abortive. The king of Sweden has prohibited the use of almost every article of British manufacture in his dominions. The king of Sardinia, whose Italian states were restored to him by British aid, has laid such high duties on British goods as almost amount to a total prohibition; and although Genoa was annexed to his dominions, by a treaty which guaranteed to her all her ancient laws and privileges, in defiance of that treaty, he has deprived her of her most valuable privilege, that of being the emporium for the transit of British goods into the neighbouring Italian states. Spain, since the establishment of the new government, has adopted a prohibitory system, which almost annihilates our commercial intercourse with that country. Surely we must be unwise indeed, with these proofs of their indisposition to serve us, to place ourselves in their power and at their mercy! This system of free trade is subject to other very strong objections. Great commercial changes are always attended with serious mischief; because the spirit of enterprize and speculation overstocks every new market. Most of us recollect the ruin that attended the sudden opening of the trade at Buenos Ayres; and we all have before us the more recent instance of the private trade to India. If the trade of the whole world were thrown open, in the manner recommended by our new political economists, the rage for speculation would be boundless, the revolutions in property unprecedented, and the ruin incalculable. But these are the days of innovation and revolution, which, after making experiments upon politics for many years past, seem now to be trying their hands upon commerce. Some men are so prone to change, that they consider all change as an improvement. Commercial men, in particular, to whose speculations the war gave ample scope, find themselves circumscribed in peace; and many of them are eager to adopt any experiment that may again open a wider field to their spirit of adventure. The state of things in which we are now placed, reminds me of a jeu d'esprit of the late professor Porson, who happening to cut out at whist, the lady of the house told him he should write some verses, while the rest of the party were playing. He asked her for a subject; and she suggested that he should suppose the devil was taking a walk on earth, to see what we were about, and write his observations. Among the verses composed by the professor on that occasion, are the following:—

"With wind and with tide,
Down the river did glide,
A pig with vast celerity;
And the devil he grinned, for he saw all the while,
How it cut its own throat, and said with a smile,
This is England's commercial prosperity."

What the professor predicted is now coming to pass; for we are certainly cutting the throat of our commercial prosperity, and the devil, who delights in mischief, may well grin at our present proceedings. We must not flatter ourselves that we can go a certain length in this new career, and then stop. If we once concede the principle, we must abide by it uniformly. Nothing can be more absurd, than to suppose that two opposite systems can be acted upon at the same time. To adopt a course of measures half liberal and half exclusive, would be taking one step forward and another backward, instead of going strait on. If we take off the protecting duties on foreign timber, and relax our navigation laws, how can we object to take off the restrictions upon foreign corn? To prohibit the import of cheap foreign corn in order to force the consumption of dear English corn, would not only be a violation of the new principle of taking off all restrictions upon foreign competition, but also of the great rule to buy every thing where it can be bought cheapest. Besides, the price of corn regulates the price of labour, and of every thing that is produced by labour; and if our manufacturers are to compete with foreign manufacturers, they must be fed at as cheap a rate. Are the landed interest prepared to go this length? Will they deduct from their rentals the twenty or thirty millions per annum, which the British consumers pay them for the produce of their land more than they could purchase it for from foreigners? If not, let them adhere to the old, and oppose the new system, which must inevitably lead to this result. Let us reflect what our situation would be, if this new system of liberal commerce as it is called, were acted upon to the fullest extent. Our land-owners would be ruined; for their land would not pay the expense of cultivation, and of course a great proportion of our agricultural labourers would be thrown out of employment. Our carrying trade would fall into the hands of those foreign powers who can build and navigate ships cheaper than ourselves; and as we should no longer have any nursery for seamen, our naval power would of course be transferred to our more fortunate competitors. One half of our manufacturers would be ruined, being undersold by their foreign rivals. Not less than two millions of our agricultural and manufacturing population would be deprived of their present employment, and thrown upon their respective parishes, together with their wives and families. Add the expense of their maintenance to the cost of the foreign commodities purchased under this new system, and you will then see whether they would be cheap or dear. The impossibility of supporting these ruined classes, and at the same time raising the revenue necessary to pay the interest of the national debt, and the expenses of our public establishments, could terminate in nothing less than a national bankruptcy and a revolution; and this would be the conclusion of the whole matter. I trust therefore that the House will not sanction the repeal of the navigation laws, which I consider the sheet anchor of our greatness and our glory.

Mr. Serjeant *Onslow* was in favour of the proposed bills. He thought the picture drawn by his hon. friend, of our commerce, under such regulations as were now proposed, was too gloomy.

Mr. *Hume* said, he was surprised at hearing the opinions delivered by the hon. member. That a gentleman of his great commercial experience should be at this time the advocate of exclusive trade, was, indeed, a matter of no little surprise. He considered the measures proposed by the right hon. gentleman as most salutary; and he felt convinced, that if they were carried into full effect, they would materially improve the commerce of the country, and prevent our being viewed, as we were at present, with jealousy by every country in Europe. He thought that, with our capital, the proposed alterations must give us the advantage over every other country.

Mr. *Wilson* agreed that it would be well if Great Britain removed all restrictive regulations on trade, provided other nations did the same; but until that took place he doubted the expediency of going the full length of the resolutions.

The Resolutions were then agreed to.

GRANT TO THE DUKE OF CLARENCE.] On the order of the day for the second reading of the Duke's Annuity bill,

Mr. *Bennet* said, that there never was a more unprincipled vote passed by that House: every person of every class entertained but one opinion on the subject. He would divide the House on every stage of the Bill.

Mr. *F. Palmer* said, that the grant was reprobated in every part of the empire.

Lord *A. Hamilton* objected to the grant, and to the manner in which it was introduced. The claim was founded on a vote of another parliament, made three years ago. He denied the existence of the debt and of the arrears. He was convinced that, in three years time, a question would arise, whether all grants, as well those to the royal family as others, should not be reduced instead of being increased. If the country continued, under the improved state of our currency, to pay its engagements at the same rate as before, they would not act consistently with the declared opinions of that House, nor of policy or justice. He considered the mode of proposing the grant improper, and the claim for arrears unpardonable.

Sir *J. Sebright* said, he had not met with any one who had not considered the grant as unconstitutional in its mode, and as a waste of the public money. He would support the grant of 6,000*l.* a year, but he thought the 18,000*l.* for arrears most improper.

The House divided: Ayes, 64; Noes, 14.

List of the Minority.

Benyon, B.	Martin, J.
Bernal, R.	Newman, R. W.
Bright, H.	Robarts, A. W.
Carter, J.	Scudamore, Mr.
Hume, J.	Williams, O. jun.
Hobhouse, J. C.	TELLERS.
Hamilton, lord A.	Bennet, hon. G.
Harbord, hon. E.	Palmer, C. F.
Monck, J. B.	

East India Private Trade Bill.] The House went into a committee on this bill. On its being resumed,

Mr. *Bright* asked, whether the additional duty of 5*s.* which in the bill was to attach to clayed sugars from the East Indies, would attach to the sugars now imported from that quarter?

The *Chancellor of the Exchequer* said, that in the opinion of the law officers, the sugars now imported from the East Indies were not clayed sugars. The duty was imposed as a protecting duty, in case clayed sugars should be imported from the East Indies.

Mr. *Bright* said, that the sugars which were brought from the East Indies were to a certain degree refined; but there could be no process for refining sugars adopted in the West Indies, which did not subject them to an additional duty of 5*s.* per cwt. The measure by which the East India sugars were not charged with a proportional duty, was a measure of injustice to the old West India colonies in favour of the East Indies.

Mr. *Hume* said, at present the East India sugars were charged with a duty of 10*s.* per cwt. to which the sugars of the West India colonies were not subjected. The people of England, who were thus compelled to buy their sugar at the worst market, had cause to be discontented rather than the West India planters.

Mr. *W. Smith* asked, whether the additional sugar duties in the bill were continued for one year only?

The *Chancellor of the Exchequer* said they were.

Mr. *W. Smith* said it was not worth while now, when so little time remained for discussion, to oppose the continuance of the duties, but he hoped the subject would be taken into consideration at an earlier period of the next session.

Mr. *Barham* said, that this country was bound to the West India colonies by good faith as well as policy. The West India colonies had the exclusive possession of the British market as matter of right, by a contract of deeds, as Mr. Fox observed in 1782, when the first attack was made upon the colonies, which was better than any contract of words. The colonies had given a valuable consideration for that possession, and they enjoyed it by virtue of acts of parliament, which was all that could be said even of the public creditor, to talk of touching whom was thought so dishonourable. The first attack made on the right of the colonies was in 1782, when lord Beauchamp proposed to allow the prize sugar to be introduced into the British market. That proposition, though it came strongly recommended by peculiar circumstances, was rejected. In 1792, an attack was again made, and now the East Indians, allied to a set of gentlemen whom he did not mean to treat with disrespect, but who were known by the name of "Saints," had renewed the attack upon their joint accounts. The assailants of the colonies talked of free trade, as if, in this country, every thing was not loaded with restrictions. The West Indian colonist was obliged to sail in British ships, and to buy his lumber at a disadvantageous market; yet a complaint was made because he sought to have the exclusive possession of the British sugar market. But the colonists

were considered to labour under such imputations that they could not defend themselves. These imputations must be confined to the slave-trade, and the existence of slavery. As to the slave trade, it did not originate with the colonies; it was carried on before the colonies were formed. It was begun by queen Elizabeth, who carried it on on her own account, and in all subsequent reigns statutes were passed of the strongest encouragement to this traffic, till it rose to its height in 1730, when this country conquered and triumphed in the glorious Assiento Contract, by which we had the privilege of supplying 144,000 of the natives of Africa yearly, to the Spanish colonies. In 1765 the first effort was made to check the slave-trade; doubtless it would be supposed by some partisan of liberty in this country, or by some pious bishop. No! it was by the assembly of the Island of Jamaica. They passed an act greatly to limit the slave-trade; it was sent home for approval and rejected. In 1774, the assembly again passed the act, and sent home a deputation to argue the matter before the privy council; who, after hearing the argument, declared that they could not consent "to limit in any degree a traffic so beneficial to the nation." Yet a very few years after this, the nation had the duplicity to charge the colonies with the whole guilt of this traffic! As to slavery, its character was vanishing in the West Indies; and a change in the condition of the slaves was going on as rapidly as was consistent with their interests. The humanity of the gentlemen who made their attacks was local. In the West Indies they could not bear the sight of a whip, though it was never applied but to punish crimes; but in the East Indies they could bear the sight of hundreds of women roasting by a slow fire, and cried, "Do not let us say a word, for fear of the Brahmins."

Mr. *J. Smith* contended against the proposition, that the West-India islands possessed a right to the exclusive monopoly of the English market.

Mr. *Bernal* said, the question should be viewed as a whole. If the duties were proposed to be taken off the East India sugars, he should move to repeal all the restrictions on the trade of the West Indies.

The committee was ordered to sit again to-morrow.

HOUSE OF COMMONS.

Tuesday, June 26.

Irish Revenue Inquiry Bill.] The bill having been read a third time,

Mr. *Denman* said, he had an objection on principle to putting members of that House on commissions, particularly when there was to be a salary or remuneration. It was desirable that members should hold no office under the Crown, and it was so laid down in the act of settlement and several others, but particularly the 6th of Anne. The provision of this act was extended by 1 Geo. 1st, and 25 Geo. 2nd. His hon. friend (Mr. F. Lewis) had spoken in strong terms against the supposition that such an appointment could have the effect of influencing his vote on a particular question; but that observation would go to repeal all those acts. The gentlemen opposite were equally justified, and were bound indeed in theory, to make the same assertion, and to state that they sat there not as officers of the Crown, but as members of parliament. If true at all, it must be taken as true to its fullest extent. A different principle had, however, been avowed in the debate, on the member for Shrewsbury (Mr. Bennet's) motion. It was then stated on the opposite side of the House, that if persons under government did not give their votes in its support, the government could not be carried on. It was this dead weight of influence which tended to corrupt the House, degrade its character, and deprive it of moral authority with the nation. It was but a hollow support which government received from those who derived an income under the administration, while the people were dissatisfied, and parliament failed of making its due impression on the public mind. There were not four divisions during the session, in which the number of the majority had equalled the number of placemen in the House. The 71 gentlemen who held places were vigilant pairers off, and therefore their power in the House was felt on every question of public importance. The general principle for which he contended was against the increase of members holding offices; and the question was, whether there ought to be a departure from that principle in the present instance? His hon. friend had on the former night expressed himself very emphatically on this point, and had said, he hoped the earth would open and

swallow him, if his vote should be influenced by his appointment. He had no doubt this asseveration was sincerely made; but he could not help its reminding him of the classical passage, "*Tellus prius ad ima dehiscat*;" yet the lady who said that, was married or worse, in not many hours after that vow had passed her lips. The hon. and learned member then proceeded to corroborate his opinion as to the unconstitutional principle of the bill, by a reference to a series of statutes, and concluded with moving, to leave out the words "Thomas Frankland Lewis, esq."

The *Chancellor of the Exchequer* said, that in the present instance the commissioners were not appointed by the Crown, nor did they look to the Crown for their reward. As to the hon. gentleman to whom the motion applied, he was eminently qualified for the situation, and his acceptance of it was a favour conferred on the public.

Mr. *Hobhouse* supported the amendment. He stated one ground of objection that had not been remarked on before namely, that as the commission was to be hereafter examined by the House, if members were upon that commission, they would, contrary to the spirit of British law, be parties and judges in the cause. With respect to influence, it was an insult on common sense to say it could be resisted by those who enjoyed the sweets of office; such could not be the case until the gentlemen opposite could alter human nature. No one could doubt the infringement of the principle of law, in the case of the hon. member under discussion.

Mr. *J. Smyth* thought that the difficulties attending the collection of the revenue in Ireland for centuries, made it very desirable to have members on the commission of such qualifications and character as the hon. member alluded to.

Mr. *S. Rice* was willing that, in this instance, the general principle, which directed that members of parliament should not hold their seat, together with offices of emolument, should be departed from. The revenue department of Ireland was said to be an Augean stable. This was not a charge against Ireland, but against the misgovernment of England. The commissioners were going over, not to wage war on clerks, or on obscure individuals, but to attack the magnates of the land, the great powers and constituted authorities on that side of the channel. He hoped that the system of economy which they would introduce would amply compensate for the temporary violation of a principle to which he was thus ready to accede.

Mr. *Scarlett* said, the question was, whether that House would appoint one of its own members to a situation, to which a provision would be attached, either now or hereafter? He thought the House would stand much higher in the estimation of the country, if they did not give the public money to their own members.

The Amendment was negatived. After which, Mr. Denman moved, to insert after the word "Ireland," the words, "provided always, and be it enacted, that no member of either House of Parliament, who shall be appointed a commissioner under this act, shall receive any remuneration for and in respect of the execution thereof." Upon this the House, after a short conversation, divided: Ayes, 35; Noes, 80.

MR. OWEN'S PLAN—NEW LANARK.] Mr. *Maxwell* rose, pursuant to notice, to move for the appointment of a commission to examine into the feasibility of Mr. Owen's plan. The hon. member spoke as follows:—It is painful to contemplate nakedness and famine in the midst of plenty—to hear that the shower of May, and the sunshine of July are a curse; to know that those who clothe our fields with luxuriance, and animate the landscape with their flocks, must withdraw their eyes from the smiling face of nature to the bitter perspective of a bankruptcy and a dungeon. When we behold the ignorant stoicism of those who have induced such disorder in practice, and such impiety in theory, like Nero looking with unpitying eye on the sorrows they have caused, we are tempted to exclaim in the words of an amiable French woman, on tracing the ravages of the modern Brennus in Switzerland,—"Les montagnes furent verdoyantes comme autrefois, les prairies florissantes comme jadis, le cœur d'homme seul pourquoi n'etoit-il qu'un desert?" The calamities which have sprung from corn-laws, inequitable to the consumer and useless to the agriculturist—from a sacrifice of the present generation by a Vansittart, to atone for the folly of a past one under the auspices of a Pitt, have travelled through the labouring classes and the productive

capitalists, and are now settled on the land-owner; and those who could not appreciate the effects upon others, doomed labour to die down to the level of wages, or visited their convulsive movements with the stern compression of military power, are subjected by the perfect justice of Providence to a more convincing evidence, by its action upon themselves. I hope they have nearly expiated their offence against Heaven by their neglect of the manufacturing districts, and that the time is fast approaching when the monied interest will find it right to yield the inequitable increase which the legislature, with good intentions and great folly, have ignorantly bestowed upon it, and to lower their rent upon the community from five to four per cent; to obviate the tardy but certain application of the sponge of necessity. I lament the sufferings of the landlord, of the merchant, and of the manufacturer; but their interests will be protected who hold boroughs, or thrust themselves on the House through the trafficking privileges of the citizens of Cornwall. My object is, to call the attention of the House to the unrepresented labourer of the British empire, who has drained his best veins for the House of Hanover, and now, with impaired force but unshaken fortitude, is working the vessel of the state out of that maelstrom into which a rash and ignorant pilot had steered it. I shall endeavour to prove, not that the poor man has been ill-treated by the legislature, or that he has been neglected by the government, but that his interests have been misunderstood, and his condition overlooked, both by one and the other; and that the indignation which he feels against his wealthy neighbour, and his want of loyalty to the institutions of the country, are misdirected, and in some degree misapplied. The inclosure of commons since the year 1760, has been stated by a judicious and intelligent inquirer into the principles of labour and of poor-laws, to amount to 3,500; and that the increase of the poor-rate appears to have kept pace with the loss of their common rights—the green meadows, which our benevolent and wise forefathers had destined as the life-rent property of successive generations of villagers, the solace of their evening homes, and the arena of their infantine gambols, has become the haunt of the pettifogging attorney, or the unsightly villa of some sordid money-lender. The poor man dependant on his employer, became the menial of the farmer and tradesman, instead of his independent and unshackled domestic. But Mr. Pitt, by a restriction on the issue of a metallic currency, and a long and expensive war, soon rendered the nominal shilling of Great Britain, the real sixpence of barter, and the employer found it better to give money than subsistence to his work people. Unable to maintain his family in the decency of a happier era of his life, the uncomfortable and mortified man sought refuge in the crowded assemblies of manufacture, where, if his mean appearance was less noticed, and his humiliation unknown, a less cleanly cottage, and equal wages, were gladly exchanged for those altered scenes, and that humble position which degraded his mind and wounded his spirit. But here, alas, he was doomed to meet with new misfortunes; and no sooner had the extravagant system of Mr. Pitt carried taxation to a given point, than artificial labour evading his burthens, was launched in half-taxed elasticity, to tear the abundant supply of bread, which loans at home, and exclusive commerce abroad, were beginning to bring within the workman's reach, as they had already done to the other classes of society. Again brought back to the penury and privations with which he was before assailed, he entered into combinations with his fellow-workmen, in imitation of his rich employer; but his wealthy model showed him, that what was lawful to riches was illegal to poverty, and the manufacturer showered from his borough-throne the scalding leaven of the combination laws on his audacious head. Disgusted with his rulers, enraged with his employer, his indignant feelings attack machinery, and, caught in the act, he is immured in a cell, or transported to New South Wales. The term of confinement or banishment arrives, and his grey hairs are sent back to whiten on the pittance of poor-rates, or as a pivot and automaton of some smoked and greasy steam engine, he mendicates the means of life by the degradation of human nature. This I believe to be a faithful picture of the unrepresented labourer; who will, whilst I have a seat in this House, never want a feeble, but, I hope, a sincere advocate; and I ask the man, who has the common courage of his species, if these wrongs might not have tempted him "to take up arms against a sea of troubles, and by opposing end them," as my misguided and suffering country-

men did at Bonnymuir? If any one can doubt that this is the situation of the labourers of this country, let him inspect the hulks, the gaols, the bridewells, the penitentiaries—let him read the press which writes for the poor—let him visit the manufacturing districts—let him examine the most religious and loyal part of the artisans and mechanics of the island, and his scepticism will disappear. Crime and disaffection could not grow as they do, in spite of the exertions of the religious philanthropy of the public, if some great injustice did not exist in the distribution of the profits of labour, or in the imposition of the public burthens: the violent language of the press could not be relished, if the people of this enlightened land did not feel themselves deeply injured by the privileged and influential classes of society. The orations of a demagogue, and the inflammatory style of an editor, are the effects, and not the cause of public dissatisfaction; both are the barometers of the sentiments of their readers, and their interests make them, as much as their speculative opinions, a faithful index of political feeling. Having made these remarks, to show the motive and impressions which have led me to take the petition of the county of Lanark, I shall proceed to point out what appears to me to be the nature of Mr. Owen's schemes—although my practical efforts have been and will be directed to another channel, and devoted to reduce taxes, not only to relieve the labour of the country from the fetters of a forty per cent property tax, but to save it from the undue influence of the Crown, and from misgovernment. Mr. Owen conceives, that the substitution of the spade to the plough, and a re-union of rural labour to the task of the artisan and mechanic—with a judicious combination of the general stock of industry, and with the savings of fuel, of the profits of retail, and of time in the management of a family, added to a system of education, enforcing the practice of honesty, sobriety, industry, and benevolence, would permit the working classes of society to derive most of the necessaries and a greater share of the happiness of life; and rescue them from the degradation and its consequences—vice and disloyalty which now has become their lot. How far his conception is just, how far his theories might be reducible to practice, it is impossible to say; but he undoubtedly has rendered that establishment over which he presides unusually and peculiarly exempt from bad feelings and from profligate lives, without in any way wasting the property over which he is superintendent and joint proprietor, although restricted in his plan by want of land, and inconvenienced by a too numerous population, and an imperfect habitation. The tendency of his plan would unquestionably be, to increase the consumption of the poor, and consequently to augment the value of all articles of home production—of course, to render taxation less oppressive, and to diminish the expenses of government, by reducing the number of starving and disaffected persons. The hon. member concluded by moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to issue a Commission to visit New Lanark, to examine the condition and treatment of the working classes in that Establishment, to inquire into any farther arrangements which Mr. Owen may propose for the benefit of labourers, and to report the same to the House; and to assure his Majesty, that the House will make good the expenses of the same."

Mr. *J. Dawson* said, that the plan of Mr. Owen had not been treated with all that attention which any proposition for the improvement of the country deserved. He wished the motion had been brought forward at an early period of the session. They had now carefully examined the estimates, and voted the supplies. They had had an insufficient report on foreign trade, and he wished he could say they had had none on agricultural distress. In the report of the latter committee they had an account of all the speculations of every speculative farmer and tradesman. The sum of the report was, that the farmer must receive less for his produce, the landlord less rent, and the shopkeeper less profit. As the farmer had less money to spend, he must reduce his expenses in every direction, and some of the reduction must fall upon the labourer. It was under these appalling circumstances, that a learned gentleman had introduced a bill to stultify that generous system of legislation for the poor on which this country had so long acted. Mr. Owen proposed a more humane plan for the improvement of the poor-laws. His plan was exposed to much prejudice; of which all inventors had to stand the brunt, till it was dissipated by time. It was no small testimony in favour of Mr.

Owen, that such a petition was presented in favour of his plan from the county of Lanark, which was the scene of his experiments. The benefit which he expected to derive from a parliamentary commission, was from the complete investigation and public discussion which would thus be excited.

The Marquis of *Londonderry* said, that a proposition similar to the present had formerly been rejected by the House, and he still had great doubt of the propriety of deciding that parliament should charge itself with the responsibility of deciding on the prospect held out to the community by Mr. Owen's plan. The mode in which his hon. friend had referred to the report which had been made to parliament during this session, increased those doubts. For, if the report of the agricultural committee was so unsatisfactory, what would the feelings of the country be, if, after being told that a plan existed for bringing back the golden days of paradise, and that parliament had given into the trick, all the bright colours melted into air? In this free and happy country, any plan of this kind would be sufficiently investigated, without the intervention of parliament. The hon. member had told us that the spade was preferable to the plough, and that we should never be happy until we were all digging; that a cotton manufactory could never be carried on well until there was a Mr. Owen to take care of the morals of the people when they came out of the mill, so that society would lose its dispersed and independent character, and would be reduced to a system of machinery, which the hon. member would drive out of the world, except as applied to human beings. He protested against the House being the proper body to take upon itself the investigation of abstract principles, or of all new inventions, the success of which so often depended on the zeal of the inventors. He hoped they would not undertake an inquiry which would add one to those fruitless results which were supposed to lower their character in public estimation. There were large and intelligent bodies which had a direct and lively interest in any plan for the improvement of the administration of the poor; and it was not necessary to a trial of Mr. Owen's plan (if it held out any prospects) that the country should be carved out into parallelograms, in order to put the poor under the management of the exchequer. The state of discipline recommended by Mr. Owen might be applicable enough to poor-houses; but it was by no means applicable to the feelings of a free nation. He did not stand there to oppose any benevolent scheme, but he felt it necessary to protest against parliament being made the tribunal for investigating every abstruse principle and every new scheme for remodelling the established order of society.

Sir *W. De Crespigny* thought that the House was precisely the place for considering of any plan that might lead to the improvement of the people, and bore testimony to the prevalent good effects of Mr. Owen's establishment.

Mr. *Hume* said, he had never heard a speech from the noble marquis in which he so entirely concurred. The very principle of this system went to take away from the people of this country all that independence and spirit which were among their noblest characteristics. He admitted the extraordinary regularity of habits and discipline which it was calculated to introduce among them; but that very regularity furnished one of the strongest objections against the system. If a man were not called upon, from the circumstances of his situation to think, he never would think; and thus, if Mr. Owen's system produced so much happiness with so little care, the adoption of it would make us a race of beings little removed from brutes, only ranging the four corners of a parallelogram, instead of the mazes of a forest. He could not, however, sit down without expressing the respect and admiration he felt for the virtues and the extensive benevolence of Mr. Owen.

Mr. *F. Buxton* observed, that there was hardly a remark which had fallen from the noble marquis with which he did not entirely concur; and on the other hand, there was scarcely one observation made by the hon. mover with which he did not absolutely disagree. He could not bring himself to believe that England would be able to find a remedy for all her distresses in the quadrangular paradises of Mr. Owen. There were reasons, however, which induced him to support the motion. He had inspected many of the workhouses in this kingdom, and the result of his observations was, that those institutions were better adapted for promoting vice and misery than any other object. It was impossible for persons to visit our

workhouses, and not to remark the squalid and unhealthy appearance of the children. Now, it appeared that nothing could surpass the condition of the children in Mr. Owen's establishment, in point of health, vivacity, and good conduct. In the hope that some improvement would be made in the regulation of our workhouses, if the motion were carried, he would vote for it.

Mr. *Scarlett* thought that the mode proposed was not the most expedient mode of inquiry. If any gentleman thought the principle good, perhaps the best way of proceeding would be to bring in a specific bill on the subject.

Mr. *H. Gurney* observed, that although he was opposed to the principle of Mr. Owen, which tended to destroy all individuality in the societies conducted on the plan of that gentleman, yet he thought he possessed claims to the favourable consideration of the House. There was one circumstance which he thought it necessary to allude to. In the district in which Mr. Owen's establishment was situated, a peculiar degree of distress had existed which had not in any way affected his establishment. Now the plan of the individual who had thus been able to keep the population of his establishment free from distress, whilst all around him was misery, must possess some meri.

Mr. *Wilberforce* had the highest opinion of the disinterested benevolence of Mr. Owen's views, but thought a commission quite unnecessary. Any four or five members who would take upon them to examine Mr. Owen's establishment, and put the result of that examination on paper, would receive full credit from the public. Thus, all useful information would be obtained without the danger of having it understood out of that House, that they took up the principle of Mr. Owen as a sort of panacea for the present distress.

Dr. *Lushington* considered the plan to be the most visionary, and the most impracticable he had ever met with. The praise-worthy exertions of Mr. Owen had made it succeed, on a small scale, with persons under his influence and control, but to attempt it on a general scale would, in his opinion, be utterly useless. That House had not now to learn from Mr. Owen that it was desirable the poor should support themselves by their own industry. He was delighted with the plan, which, according to Mr. Owen, went to demonstrate the means by which the poor might be not only enabled to support themselves, but rendered willing to do so. These were undoubtedly objects of great importance. But how were they to be obtained? Why, arrangements were to be made by which the people in these new communities were to meet at certain periods—were to be fed at certain hours like horses, and to be exercised at stated times. He perfectly agreed with the noble marquis that such a system was utterly unfit for the people of this country. To improve the morals of the people was very desirable; but he was not prepared to do so by the exclusion of all religion.

Mr. *Canning* said, that he had formed the highest opinion of the zeal, talents, and benevolent disposition of Mr. Owen. He had been unwilling, therefore, to do any thing that might hurt the feelings of that gentleman. Mr. Owen had, however, strongly urged him to attend; and he (Mr. C.) having given his word that he would attend, felt it necessary now to say, that after the most impartial consideration of the subject, he must decide against the motion. First, the general application of the plan, as had been well observed by the noble marquis, would lead to the complete destruction of individuality, and to the amalgamation of the population into masses, which was totally repugnant to the principles of human nature, and above all, to the genius of the people of this country. The inference which was drawn from the excellent management of Mr. Owen's establishment at Lanark, that it would be successful when acted upon on a more xtended scale, was, in his opinion, perfectly fallacious. Individuals must be congregated together upon some known and intelligible principle. It was a known principle which connected tenants with landlords, and workmen with manufacturers. But on what principle thousands of persons could be congregated together in Mr. Owen's establishments, he could not conceive. If a number of individuals should unite together as volunteers, supposing all the diffiulties opposed to such an undertaking by parochial regulations and other circumstances to be overcome, there was nothing to prevent the society, which, as it had commenced in delusion might end in disappointment, from becoming the seat of the worst of passions. He wished also to state, and he hoped he might do

so without incurring the charge of bigotry, that the House ought to pause before it proceeded to set the example of a community existing in Christendom, in which there would be no religion. There had always existed an established religion, in heathen as well as Christian countries; and though he was not a man who would impose penalties on persons for dissenting from national religion, yet he thought it improper that parliament should be called upon to adopt all the peculiarities of an individual on such an important subject. He had not intended by any thing he had said, to discourage individuals from trying the plan of Mr. Owen, and afterwards bringing the result of their experiments before parliament. But he did think that on one trial, no man had a right to call upon the House to give its implied approbation and support to this system.

Mr. *W. Smith* said that, if the present question was for the adoption of Mr. Owen's plan, he would say, no; but at the same time he felt it necessary to vote for an inquiry into the nature of that system which was found to produce so much local advantage in the only part of the country in which it was tried.

Lord *A. Hamilton* contended, that Mr, Owen's plan included the strict observance of religious duties. He would support the motion for inquiry, without at all pledging himself to the details of the plan.

Mr. *Maxwell* said, it was not his intention to divide the House upon the question.

Mr. *Brougham* said, that if the hon. member had pressed the question to a division, he would have voted for the inquiry. He wished to correct a mistake into which some gentlemen had fallen with respect to Mr. Owen's plan. He could assure the House, that if any fault was to be found with the system pursued at Lanark, it was on the score of too much religion. He was aware that there could not be too great an observance of sound religious principles; but there were persons who complained that there was too much of the vehemence of religion practised at Mr. Owen's establishment.

The motion was negatived.

SLAVE TRADE.] Mr. *Wilberforce*, in rising to bring forward his motion on the subject of the Slave Trade, observed, that the situation in which he now stood was very different from that in which he was placed when he addressed the House upon this subject on former occasions. A considerable period had elapsed before the different interests of this country could be brought to favour the abolition of the trade. That great object was at length accomplished, and the whole voice of Great Britain was unanimously raised against it. Shortly after that determination came the bill of his hon. and learned friend (Mr. Brougham), which, by enacting a severe punishment of all those found engaged in this detestable trade, put the sincerity of the country beyond all doubt. It was proposed, that the measures adopted by this country for the abolition of the slave trade, during the war, should be followed up, on the arrival of peace, by the endeavours of our government to prevail upon foreign powers to carry into effect the principles which we had adopted. During the war we were the only carriers in Europe. The vessels of the other European nations navigated the ocean solely upon our permission. After the abolition of that detestable trade which had lasted for more than two centuries, we found that the African was not that degraded being which he was supposed to be; we found that he was a being possessing the same reasoning powers with ourselves; a being who, when his liberty and property were secured, was anxious to attach himself to habits of industry, and to form himself into a useful member of a peaceful community. Such was the state of the case when that struggle, in which the whole of the European powers were engaged, terminated in a peace. On the ratification of that peace the noble marquis opposite had used his utmost endeavours to induce the other great powers to co-operate with us in the abolition of the slave-trade. It was gratifying to find that the great powers in question had all expressed the same sentiments of disapprobation of this detestable traffic, and had also all expressed a wish that this scourge of the human race should be terminated. Spain and Portugal had hesitated most; but they at length joined in the same feeling, and the utmost which they pleaded for was, that a certain period should be allowed to the persons then engaged in the traffic. This country had, with a liberality highly to its honour, granted to Spain and Portugal a considerable sum as a remuneration for the losses sustained by those countries from the prosecution of our plan of abolishing the slave-trade. It was natural that we should now inquire into the result of

the treaties into which we had entered with those countries. And here he felt it necessary to mention what had been done by the noble marquis, to whose labours and persevering ability the country was so much indebted on this occasion. The noble marquis had in all his negociations supported this cause with the greatest zeal and earnestness. Notwithstanding all the steps which had been taken, however, he was sorry to say that the slave-trade was still carried on to an immense extent, and in many instances with a degree of barbarity sufficient to exhaust human suffering on the one hand, and human cruelty on the other; and more than sufficient to justify all which had been said of it on former occasions.—The hon. member, after alluding to the conduct of the government of the Netherlands on this question, expressed a hope that that country, with which our interests were in a great measure bound up, would be induced to join us in our endeavours to protect so large a portion of our fellow-creatures. He trusted that Spain also would be induced to join us in this great work. He was the more inclined to entertain this hope, from a knowledge that there existed in that country a number of great and high-minded individuals who would be inclined to co-operate with us the moment that they felt the effects of living under a free constitution. From Portugal, also, he wished to entertain the same hope, but he was unfortunately forbidden to indulge that hope by the conduct of Portugal heretofore; that conduct having evinced the most decided disposition to pursue the traffic in slaves merely for the acquisition of gain. Whether the new institutions in that country would produce any change in the character of its government, or in its commercial system, upon this subject particularly, he could not pretend to say; but it would be strange indeed, if a country professing to sanction the principles of freedom and justice should tolerate the slave-trade—especially after governments upon the principle of arbitrary monarchy had decidedly declared against it. His wish was, that the several powers who had denounced this odious traffic, should appoint assessors to superintend and ensure the execution of their views, and that Portugal should be peculiarly called upon to attend to this arrangement. It was gratifying to learn that America, which had derived great benefit from this traffic, had acted very differently from that of Portugal. As the Americans arose from the same source as ourselves, this indication of their character was a just cause of pride to Englishmen. But it was extraordinary that a nation so high spirited and chivalrous as France, had manifested quite a different feeling. It was impossible, indeed, for any man acquainted with the character of the French, not to feel extremely disappointed at the disposition of that people to persevere in this odious traffic, after it was abandoned by England, and its nefarious practices were universally proclaimed; for these practices were such as to throw into the shade the utmost cruelties which sullied the French revolution; for while the latter might naturally be supposed to proceed from passions strongly excited, the former could have no other impulse than a cold, deliberate desire for gain.—Here the hon. member took a review of the case of the French ships engaged in the slave-trade, which were mentioned last night in the House of Lords, by lord Lansdown, and in which slaves were found stowed in casks, while others were thrown overboard in casks, to avoid a search; remarking, in the most pathetic strain, upon the case of the slaves, and the crew afflicted with ophthalmia. It was peculiarly revolting, he observed, that when this ophthalmic affliction was made known to the French government, the disease itself became the subject of mere medical analysis, instead of provoking any inquiry as to the horrid cause of its existence. The most effectual guard against the continuance of the slave-trade would, he thought, be, to allow the mutual right of search, by officers of each nation; and to such an arrangement the French government would, he hoped, be easily reconciled; for the establishment of such a right could in no degree compromise its pride or consequence, especially where an officer on the part of each nation should be appointed to direct that search. The American legislature had, much to its honour, pronounced any ship of that nation engaged in the slave trade, guilty of piracy. It were to be wished that all governments should issue a similar decree, for the most vigorous measures were necessary to counteract the wide-spread evil of this traffic. There were some papers on the table which alleged the diminution of this trade, but those papers were contradictory in themselves, and, therefore, by no means to be regarded as authority. This was the more evident upon

looking to the representation of sir G. Collyer, who stated, that he saw 40 sail at the Havannah destined for the coast of Africa, at the very time to which some of those papers referred, and that, at the same period, there were 28 sail at Bonni waiting to take in cargoes of slaves. The facility of obtaining such cargoes, it was lamentable to say, was considerably increased by the measures of this country for the abolition of the slave trade; for, through those measures, the unfortunate natives of Africa were encouraged to collect in villages upon the banks of rivers and on the coast, from which they shrunk, while the ravages of the slave-trade were notoriously uninterrupted and openly pursued by British shipping. He could not help congratulating himself on the part which he had taken in rescuing this country from that abominable traffic. But although England, which had formerly prosecuted this trade with the greatest vigour, and which had derived from it the greatest profit, had rescued itself from the disgraceful pursuit, the work of humanity and justice must still be incomplete while other nations were engaged in it. To induce those nations, then, to abandon that traffic, was a most desirable object. He imputed no lukewarmness or want of ability to his noble friend opposite. He was fully aware that his noble friend had great difficulties to encounter in the prejudices of foreign powers. The policy pursued by those powers was founded upon a mistaken sense of gain; mistaken, he called it, for the Great Disposer of events had ordained, that national gain could never be promoted by a violation of justice, and that the course prescribed by the principles of justice and humanity was also the course which was most consistent with commercial prosperity. The hon. member concluded with moving,

"That an humble Address be presented to his Majesty, representing to his Majesty, That in the various documents relative to the Slave Trade, which, by his majesty's command, have been laid before the House, we find a renewed and most gratifying proof of the persevering solicitude with which his Majesty's government has laboured to meet the wishes of this House, and of the nation at large, by effecting the entire and universal abolition of that guilty traffic:—That we learn from them, however, with the deepest regret, that his Majesty's unwearied efforts to induce various powers to perform their own solemn engagements have not been more successful:

"That, notwithstanding the deliberate denunciation by which the Slave Trade was branded with infamy at the Congress of Vienna, as a crime of the deepest dye, and notwithstanding the solemn determination there expressed by all the great powers of Europe, to put an end to so enormous an evil; nevertheless, that this trade is still carried on, to an extent scarcely ever before surpassed, by the subjects, and even under the flags, of some of the very powers which were parties to those declarations:—A Dispatch of a more encouraging tenor, from his Majesty's commissioner and the chief criminal judge at Sierra Leone, has indeed been very recently communicated to this House, but we have too much reason to fear that the hopes expressed in that communication are far too sanguine, and even the papers previously in our possession contain intelligence of a most painfully opposite nature:

"That the Trade, faithful to its malignant character, is still productive of the same destructive effects as heretofore:—nay, though in the conduct of this detested traffic, every form of inhumanity might be supposed to have been already exhausted, yet of late it had been attended with unprecedented enormities:

"That we lament deeply our not having experienced the cordial co-operation which we might on every ground have so reasonably expected from the court of the Netherlands:—We have witnessed, however, with great satisfaction, the strenuous and able exertions with which the king's minister at that court has followed up the instructions of his Majesty's government, in contending for the just construction of our treaties with that power:—And we cannot but hope that commercial nation will feel the duty and necessity of adopting a policy more consonant at once to the principles of justice and humanity, and to the dearest obligations of good faith towards her most ancient and steady aily:

"That we have seen with extreme regret the Slave Trade carried on of late years by Spain to an extent before unparalleled; and also, that the local government of the Havannah has shown an evident indiposition to employ the means recently stipulated for its repression; but the time having at length arrived when Spain solemnly engaged that all Spanish

slave trade should cease absolutely and for ever; that high-minded people, we cannot but feel confident, will prove faithful to their engagement, and will be induced cordially to unite with us in promoting the effectual and universal extinction of the Trade, by every civilized power:

"That we cannot contemplate the conduct of the court of Portugal, with respect to the Slave Trade, without the deepest concern:—That court, indeed, though not calling in question the true nature and effects of the Slave Trade, forbore, even at Vienna, complying with the earnest request of all the other European powers, that she would name some fixed period for the termination of the Trade:—Even the Treaty by which she engaged to abolish the Slave Trade to the North of the Line has been little regarded; and to this day, though every form of intreaty has been exhausted by the great European powers, not the smallest hope is held out to us of the total abolition of the trade:—Under these circumstances, we cannot but think that both Great Britain, and the other powers assembled in Congress at Vienna, would not be faithful to their high obligations and engagements, if they were any longer to rest satisfied with mere intreaties and remonstrances, which experience compels us to believe would be of no effect; and we are necessarily led to revert to the suggestion which was countenanced by the high contracting powers at the Negotiation at Vienna, of excluding from commercial intercourse with their respective dominions, any state which should pertinaciously refuse to abolish the Slave Trade, after it should have been prohibited by all other nations:—We are impelled, however, reluctantly to intreat his Majesty to endeavour to induce those powers to carry the above suggestion into effect, and at least to prohibit the importation into their dominions of the produce of any colonies belonging to the Crown of Portugal, so long as she shall continue thus to set herself in direct opposition to the moral feelings and concurrent wishes of all the Christian powers, and to defeat every hope of the civilization and improvement of Africa:

"That we contemplate with far different feelings the conduct of the United States of America; not only have their cruizers been actively employed, in cooperation with our own, in suppressing the Slave Trade on the coast of Africa, but an act has been passed by Congress, which places the Slave Trade in the list of piracies, and subjects to capital punishment all citizens of the United States who shall be found to engage in it; that in witnessing the conduct of the Legislature of the United States on this occasion, we are led to reflect with grateful exultation on our common origin, and on those common laws and institutions, whose liberal spirit has prompted our American brethren to be among the very foremost in thus stamping on a traffic in the persons of our fellow-creatures its just character and designation:—And we cannot but express our earnest hopes, that not only we ourselves shall speedily follow so honourable an example, but that the day is not far distant when, by the general concurrence of all civilized nations, this detestable traffic shall be pronounced to be piratical, to be an offence against all human kind, which all are entitled and bound by duty to suppress:

"That from the gratifying contemplation of the zeal manifested by the United States to promote the cause of humanity, we turn with feelings of the most painful disappointment to France, by some of whose subjects the Slave Trade has been for some time carried on to an unprecedented extent, along the whole range of the Western Coast of Africa; and whose flag not only protects her own subjects in their criminal enterprizes, but serves to protect the subjects also of other powers, who engage in this commerce, but who are prevented by the vigilance of British cruizers from finding any shelter under the flags of their own countries:

"That we are bound by every consideration of duty and feeling to take an especial interest in the fate of those countries, now possessed by France on the African continent, which were restored to her dominion by Great Britain:—And we cannot reflect without the deepest pain, that whereas while under our protection they not only enjoyed a temporary respite from their miseries, but were beginning to enjoy the security and comfort arising from the exercise of a peaceful industry, and of a legitimate commerce; the renewal of the Slave Trade, which almost immediately followed their cession to France, has utterly blasted these delightful prospects, and has again consigned those unhappy countries to rapine and anarchy, to barrenness and desolation:—

That we cannot believe, if the opprobrious facts of the case were fully known in France, that so great and gallant a people, blessed by the bounty of Providence with all that render a nation powerful and prosperous, would tolerate the prostitution of its flag to such base and flagitious purposes, or would stoop to take up and prosecute a traffic which so many other powers had indignantly abandoned on account of its incurable wickedness and cruelty:—more especially when its real nature and effects have been unquestionably established; when the French legislature has decreed the entire abolition of the trade, and when their sovereign himself, under his own hand, has solemnly pledged himself to join with his Majesty in effecting the extinction of a traffic, which, to use his own emphatic language, 'tends to the destruction of mankind:'—That notwithstanding the sacred obligations thus contracted by France, so numerous and so flagrant have recently been the unpunished violations of her engagements, that, but for the confidence we wish ever to repose in the upright intentions of those who administer her affairs, we should find it very difficult to believe that these violations could have taken place without their knowledge and connivance: and we must have been compelled to suspect, that some partial interests, or some mistaken views of policy, had interfered to prevent the faithful performance of duties, to the fulfilment of which they are solemnly bound, not only by the most sacred obligations of religion and morality, but by the pledged faith of their government, and even by the personal honour of their sovereign:

"That we therefore entreat his Majesty seriously to represent to the court of France, how deeply the credit and reputation of the French government are involved in these transactions, and that his Majesty will be graciously pleased to renew the most earnest efforts, to induce them to make good their various solemn engagements on this subject, and in particular, to fulfil the promise recently given, to employ new and more efficient restraints, and call into action fresh penal sanctions, in order effectually to prevent the carrying on, by French subjects, of this odious and disgraceful traffic:

"That while we thus entreat his Majesty to concert with other powers the means of carrying into complete effect this great cause, we are not merely prompted by a sense of what is due to the general obligations of justice and humanity:—we cannot but feel that to Africa we owe a debt which conscience and honour oblige us to repay:—And though we congratulate his Majesty on the generous zeal which Great Britain has manifested, and the costly sacrifices she has made, in vindicating in this instance the rights and happiness of our fellow-creatures, yet we cannot reflect without remorse that we ourselves were too long among the very foremost in carrying on this guilty commerce:

"Since we are now aware of its real character, it becomes us to be earnest and incessant in our endeavours to impress the truth on others who may have been misled by our example:—And as we contributed so largely to prolong the misery and barbarism of the Africans, we should now be proportionably earnest in using the means with which Providence has endowed us, for promoting their civilization and happiness."

The Marquis of *Londonderry* said, that in common with the House, he always listened with the greatest pleasure to every speech of his hon. friend, especially upon that great question of which he was the parent, and which, by his benevolent and persevering exertions, he had brought to a successful issue. He could assure his hon. friend, that he had heard him with the greater satisfaction, because he observed, that while his hon. friend endeavoured to rouse the feelings of the House and of foreign powers in the common cause of humanity, he did not omit to remind the House that it was long before even this moral and Christian nation felt the full objections to the traffic in slaves, and could wind itself up to use the necessary exertions for its abolition. While his hon. friend, therefore, was pressing his majesty's government to make this appeal to foreign powers, he must feel that they could not be at once awakened to that state of moral feeling which we had ourselves attained only by slow degrees. With regard to the address, it was impossible that the House should not observe that many passages in it conveyed very strong and pointed reproaches upon the conduct of foreign governments. He had no hesitation in saying, that if he looked to the question merely in a political point of view, and with reference to the state of responsibility in which it was calculated to place him, he should feel

himself bound to object to many parts of the address, and to modify many of its expressions. He trusted, however, that if he yielded to the proposition of his hon. friend, his motives would not be misunderstood abroad. It was right that foreign powers should know how the country and parliament felt with regard to this great question. He believed it would be impossible to give final and decisive success to the great work of humanity, unless foreign powers could be brought to agree upon a common system of punishment as applied to this offence. His hon. friend was much mistaken, if he supposed that the principal difficulties in effecting this desirable object arose from absolute, and not from free and representative governments. On the contrary, the American government, though he was ready to admit that it acted upon liberal and enlightened principles with regard to the general question, was still, of all other governments, the most opposed to a qualified system of common search. With regard to the two representative governments of Spain and France, though the slave-trade had been abolished in Spain, the colonial interests had sufficient influence in the Cortes to procure the rejection of a proposition for increasing the severity of the penalties. In France, the dealing in slaves was no crime by the existing laws; it was merely a civil offence, punishable by fine and confiscation of the property embarked in it, and the efforts of the French government had not yet been able to overcome the national prejudices so far as to render it a criminal offence. With regard to Portugal, he was compelled to observe, that that government formed an inglorious exception to the rest of Europe, and that it felt no disposition whatever to abolish the traffic in slaves. The Brasilians were as much persuaded that the abolition of the slave-trade would be attended with the most ruinous consequences to themselves, as our colonists in the West Indies were ten years before his hon. friend carried his bill. Though he objected to many parts of the address as a diplomatic instrument, he was ready to support it as a moral appeal to the foreign powers, animating them to rouse the moral energies of their people to an active and cordial co-operation with this country in the great work of humanity.

Sir *James Mackintosh* said, that his chief reason for troubling the House was, to embrace the opportunity which the address was intended to afford to every member of delivering his sentiments in accordance with it, in order that the unanimous voice of parliament, speaking the unanimous sense of the people, might produce a due impression on the continent of Europe. It was only by reiterated appeals to the feelings and consciences of nations that any hope could be entertained of the final abolition of a system that disgraced the name of trade. He did not intend to discuss, whether concession was more likely to be obtained from free or from absolute governments: he well knew that vulgar notions often found their way among representative bodies; for a vulgar notion upon this very subject had long withstood the united argument and eloquence of many of the great men of the last century. He laid out of the question what had been done by powers in the north of Europe, because where there was no interest, there was nothing to relinquish: but looking at others, he could not perceive, that in any representative government the sense of the people had been the true obstacle to concession by the authorities. The noble lord had called Portugal an inglorious, but he (sir J. M.) termed her an infamous exception, to the liberal spirit of other nations. The independent provinces of Spain in South America were governed by representative bodies, yet in all of them the slave-trade had been abolished. Portugal alone opposed the civilization and liberty of mankind: she was as singular in her practice among the states of South America as she was singular in her principles among the powers of Europe. Her conduct had been base and shameless; it admitted of no excuse; and when the noble lord talked of the commotions that threatened her, it ought not to be forgotten that five years ago, after the Congress of Vienna, she had none of them to dread; yet then she had opposed to the abolition a resistance as obstinate as it was senseless. In 1810, five years before the Congress and the condemnation of the traffic, Portugal had entered into a positive treaty with this country regarding the slave-trade; yet, with this atrocious aggravation peculiar to her, she still refused to carry it into effect. Recollecting all these circumstances, he could not help saying that Portugal had proclaimed herself an outlaw in the community of civilized nations, refusing to pay to humanity even that tribute which hypocrisy was said to

pay to virtue. The noble marquis had said, that our own conduct with regard to the abolition ought to teach us forbearance in the delays of other nations. He admitted the fact. But the noble lord stood on higher ground when he called upon other nations now to relinquish this traffic, than we occupied when we interposed delay, and yielded for a time to obstacles which all the zeal and exertions of his hon. friend were unable immediately to remove. When his hon. friend began his labours, it was alleged that our West India plantations could not be cultivated without new importations of slaves; that our colonial prosperity depended on our traffic in human blood. Now we had experience in favour of the abolition; we had given up the slave trade, and we had not been ruined. This foreign nations might see. They could observe that we had not suffered by the cessation of a traffic, which was said to be essential to our colonial existence. The noble marquis had stated, as one of the reasons why we should address ourselves with temper to the other nations concerned in this traffic, that having been convinced of its wickedness and impolicy ourselves, we were making an appeal to them, and calling upon them to adopt our opinions; but in making this apology for these powers, the noble lord had weakened his own cause. We did not call upon them to adopt our opinions but to fulfil their own engagements. The noble marquis had stated, with truth, that in France the slave trade was not prohibited by its criminal code; but was it not monstrous to think, that after six years' delay, after declarations of the wickedness and barbarity of the traffic, the carrying of it on was not declared a crime and rendered liable to punishment? Could the government of France plead the reluctance of the people to any penal statute upon the subject? It might be seen by all who read the debates of the French chambers, and particularly by those who had perused the speech of an old friend of his, M. La Fayette, that those who generally opposed the government would zealously join in supporting a law for punishing slave-dealers. Until he saw the trial made, he would hold it to be a calumny against the French legislature, a calumny against the French nation, to say that they would cover with impunity so criminal a traffic. He would rather believe, that the fault lay in the insincerity of the government. How could any one trust in its good faith on this subject, after what had recently happened? Had they tried the captain of the Rodeur? There might be no criminal law in France to punish slave trading, but was there no law against murder? Was ever any picture of cruelty and misery drawn more appalling than that which the Rodeur presented—a scene worthy of the sublime and terrible genius of Dante to describe—a scene which was not exceeded in horror by any of his descriptions of those regions where the perpetrators of such enormities must be punished? It were to be wished that a sublime living genius of our own country, who inherited the power, and now resided in the land of the great Italian poet, would paint in becoming colours such enormities, and hold up this horrible traffic to the execration of mankind. The House had no doubt read the accounts on the table transmitted by that meritorious officer, sir G. Collier. He stated that in the course of one year 60,000 persons had been carried into slavery from the coast of Africa, and that a great proportion of this number were exported in French ships. Was not this fact known to the French government, and if it was known, why did it take no step to bring these monsters to justice, who were thus vomited forth to pollute and desolate the soil of Africa? The United States of America had done that without treaty or stipulation, which the powers of Europe had neglected to do, in contravention of their most solemn engagements. He rejoiced to find that two nations of English blood, allied by religion and liberty, had been the first to place in their criminal code this enormity. Though separated in government, they showed themselves still united in the principles of freedom and humanity, by abolishing the trade in the same year, and by since both declaring it piracy. He could not observe without indignation on the base pretext set up by Portugal, that the cruelty of the trade was diminished with her, as she merely sent slaves from her possessions in the east, to Brazil. While he was in India he had had an opportunity of knowing the kind of humanity thus exercised on board Portuguese slave vessels. He had, in his capacity of judge, condemned two of these ships, and he could say, that nothing could be more false than these pretensions to humanity. With the conduct of that state which called itself Christian because it was bigotted, and civilized because it had acquired the power to op-

press, he could honourably contrast the behaviour of the Mahometan governments in India, and on the island of Madagascar, which had kept their engagements and abolished the trade: and here he must pay a due tribute of praise to marquis Wellesley, who had first carried into effect the abolition in our Indian dominions, with that elevation of mind and comprehensiveness of view which he brought to all of his measures, though of some of them he could not altogether approve. The motion of his hon. friend suggested the question of the possibility of ultimately abolishing the traffic. Some persons not favourable to the abolition were of opinion that it could not be extirpated by all our sacrifices and exertions; while the progress of the work seemed slow and irregular to the benevolent impatience of good men. Compared, indeed, with the life of man, its progress was slow; but not so when compared with the great instances of human improvement found in history. Every one must allow that much had already been done, who considered that all Europe had solemnly pronounced against it; that England and America had declared it piracy; and that those who now carried it on were obliged to cover their actions under some mean and hypocritical pretence. When he reflected on these things, he did not despair. He had lived long enough to have heard his hon. friend and those who acted with him, denounced as jacobins, and accused of the most dangerous purposes, for merely exerting themselves to procure the abolition of that traffic which was now called a crime in our Statute book. He did not then despair. He believed that the principle of reformation in this country of reason and liberty, where opinions were free, and discussion permitted, would always ultimately triumph, and that from this country it would spread to others. There was enough of difficulty to excite our vigilance, and call for our exertion; to induce us to make frequent appeals to the public opinion of nations, and the reason and conscience of sovereigns. Our efforts would in time diffuse public opinion over Europe, and abolish this nefarious traffic, leaving no trace of it but the abhorrence which its recollection might excite.

Dr. *Lushington* said, that America had not done enough by passing one act. The making of slave-dealing piracy would not prevent it, unless a sufficient number of cruisers were kept along the coast of Africa, to enforce the penalty.

Mr. *Bernal* stated, that it had cost us a million of money to prevail upon Portugal by stipulations not to trade north of the line; yet those stipulations had been violated.

Mr. *Marryat* said, that the learned member for Knaresborough had been mistaken in stating, on a former occasion, that slaves were treated better in the East than in the West Indies, and cited passages from Dr. Buchanan's book in support of his statement: he also animadverted on the difficulties thrown in the way of the question itself by the emperor of Russia, who had given the monopoly of supplying his dominions with sugar to Portugal and Spain, on account of our duties imposed upon foreign linen. He thought the powers favourable to the abolition ought to join in the prohibition of the consumption of Portuguese commodities.

Mr. *Gurney* asked whether there was any thing in the motion which pledged the House to support measures of hostility against those countries who refused to comply with the terms of the motion?

Mr. *Brougham* replied in the negative, and with respect to the question, observed, that although America had done much to put down the slave-trade by her act of abolition, and by declaring the traffic piracy, yet until the right of reciprocal search was allowed, her efforts could not be complete. This right of search had acquired an ill-name by circumstances of the last war, but as we now offered a present equivalent to America for what she could give up, and not any thing future and contingent, as when one was belligerent and the other neutral; he trusted the difficulty would be soon obviated.

The Address was agreed to *nem. con.*

Chief Baron O'Grady.] The marquis of Londonderry moved that the ninth Report of the Commission of Inquiry into Courts of Justice in Ireland, together with the Answer of the Chief Baron of the Exchequer thereto, be referred to a Select Committee. Mr. S. Rice concurred in the motion. Mr. O'Grady cheerfully acquiesced in the motion, convinced as he was that the more light was thrown on the subject, the more would the result appear what he wished it to be. A Committee was accordingly appointed.

New Stamp-Office in Edinburgh.] Mr. *Hume* called the attention of the

House to an instance of disregard to the public business on the part of government. A new Stamp-office being wanted, a gentleman was appointed to search for a convenient building. Such a place was accordingly found; but ministers, in order to favour an individual, had, notwithstanding the recommendations of the board of Stamps and the board of Works in its favour, decided on building a new office in a less appropriate situation, with fewer conveniences and at a greater expense. To him this appeared one of the grossest jobs that had ever come within his recollection. The only person that had in the first instance recommended the situation preferred, was a grocer of the name of Johnson; but the work having been begun early in 1818, in 1819 lord Melville had examined it, and pronounced the building to be suitable. The work had also been examined by the lord advocate, and on the opinions of lord Melville, the lord advocate, and Johnson the grocer, it had been carried on, in opposition to the recommendation of the board of Stamps. He took occasion to notice another instance of negligence on the part of government. The revenue of Scotland, amounting to 3,000,000*l.*, had been transmitted to this country by certain bankers, at forty days. A friend of his had offered to transmit it at twenty, and to give exchequer bills in advance, or any security that might be required. This, however, had not been attended to, and the others having come down to thirty days, the chancellor of the exchequer had left the business in their hands, and thus a loss was sustained by the country. The House first offered for a Stamp-office had a hundred feet of ground belonging to it. The spot finally chosen had not a foot of ground belonging to it behind the building, and it was liable to be built close up. To prevent this he understood a 1,000 guineas had recently been paid. An hon. baronet had engaged to purchase the ground for a much smaller sum; but he understood the chancellor of the Exchequer, with much good nature towards him, but with little regard for the public purse, had consented to let him off, and had not held him to his agreement. The building had cost 9,100*l.*, and the total expense was upwards of 12,000*l.*, the hon. member concluded by moving a resolution detailing the principal facts to which he had referred, and condemning the whole of the transaction.

Sir *J. Marjoribanks* explained the circumstances connected with his purchase of the ground on which the Stamp-office had been built, and his offer of the same to government. He had recommended the builder to submit an offer to ministers, and had offered to be his security. The situation, he contended, was in various respects more eligible than any other that had been offered. Adverting to what had been said of the allowances to Scotch bankers for transmitting the revenue, he traced the circumstances under which the existing arrangement had been formed, and gave it as his opinion, that they did not profit by it.

After a short conversation, the motion was negatived.

Mr. Theodore Hook.] Mr. *Bennet* said, he rose to move for the production of certain papers containing an account of the suspension of Mr. Theodore Hook from his office of treasurer in the Mauritius; and of the sums of money due by him to the government of that colony. It might be in the recollection of the House, that about 17 or 18 months ago, he had put a question to an hon. gentleman opposite respecting the transaction which he had just alluded to. The answer given upon that occasion was, that ministers had received no official information on the subject, but they knew that Mr. Theodore Hook had arrived in this country. He had repeated the question this year; possessing, however, at the time, no information on the subject to which it referred. He had since obtained some information, the nature of which he would state to the House. He had reason to believe that the information was strictly correct. He would not now mention the name of the gentleman from whom he had received his information, but would reserve to himself the privilege of doing so, if he thought fit before the discussion terminated. It appeared from the facts which had been laid before him, that on the 15th of January, 1818, the acting governor of the Mauritius, governor Hall, received a letter from Mr. Allan, one of the confidential clerks of the treasury of the colony, informing him that Mr. Hook had appropriated to himself a part of the allowances for the expenses of his department, by appointing his own coachman to the situation of office-keeper, at a salary of 40 dollars a month, and his cook to another situation with a salary of 15*s.* Mr. Allan, who was the master clerk of the treasury, also re-

ported to the governor, that Mr. Hook had appropriated to himself the sum of 39,150 dollars. The governor replied to Mr. Allan, by a letter dated the 25th of January, 1818, in which he stated, that it was a subject which could not be kept secret, and therefore he would send his letter to Mr. Hook, to whom it referred. The governor afterwards received another letter from Mr. Allan, in which he stated that Mr. Hook had given him the letter which he had written to the governor, and had accompanied it with his dismissal from the office he held, and declaring that he Allan was ruined for ever. The governor next received a letter from a Mr. M'Manus, who informed him that Allan had been desired to quit the colony by Mr. Hook, who pretended that the governor had authorized him to give that order. The governor, however, in a letter to Mr. Allan, denied that he had issued such directions, and desired him to remain. Mr. Allan again wrote, requesting that some inquiry might be instituted, and that in the meantime the stamps and other official documents might not be altered. He had not seen this letter, but he was informed that it showed the mind of the writer to have been in a state of extreme anxiety. In consequence of this letter, the governor, on the 9th of February, appointed a committee, consisting of his chief secretary, the auditor, and his deputy, to examine the accounts. The result of this inquiry was, that all the statements of Allan were found to be correct. This unfortunate individual did not, however, long survive the ill usage which he had received. He died before the report was made by which his character for truth and integrity was established, and the accuracy of the information he had given incontestably proved. In consequence of the nature of the report made by the committee, governor Hall suspended Mr. Hook from his office, and being of opinion that he could not be tried for his offence in the colony, he sent him to England. When Mr. Hook arrived in this country he was, he supposed, dismissed; but he did not know any thing certain on this point. He wished now to know what portion, if any, of the money due by Mr. Hook, the government had received. It appeared from a regular official document, signed Thomas Webster, 8th of December 1818, that the accounts of Mr. Hook's office stood as follows:—The debtor side amounted to 63,865 dollars. and the creditor side to 24,132 dollars, leaving a deficiency of 39,733 dollars. This being the case, he thought that the House should possess some authentic information on this subject, and to obtain it was the object of his motion. Before he sat down, however, he wished to ask the right hon. gentleman opposite, whether Mr. Hook had given any sureties for his conduct. If Mr. Hook had given sureties, he supposed that government would be entitled to call upon them to make good the deficiency.

Mr. *Goulburn* thought that the House would not be acting justly, if it acceded to the motion of the hon. gentleman. Whatever might be the demerits of the individual whose conduct was now brought under consideration, he was still entitled, in common with every other person labouring under a charge, to a fair measure of justice. He could have no objection to the production of the despatch moved for, were it not for the reasons which he would briefly state. The case of Mr. Hook involved a question of considerable importance. When the dispatch which contained the substance of what had been stated by the hon. member was received in this country, it was thought fit to refer it to the Colonial Audit-board, in order that the accounts might be examined. The governor of the Mauritius had confined himself to sending Mr. Hook to this country, together with his papers. When Mr. Hook arrived, which he did in the character of a prisoner, and accompanied by other persons who were to be tried for offences committed at the Mauritius, application was made to the law officers of the Crown, to know whether the government would be justified in detaining him, and whether the circumstances of the case were of such a nature, as to authorize the institution of a criminal proceeding against him? The law officers of the Crown were of opinion that government possessed no legal power to detain Mr. Hook a prisoner, and that a criminal information could not be supported on the facts laid before them. Under these circumstances, no other course could be taken than to leave the Audit-board to proceed with the examination of the accounts, and to endeavour to obtain fresh information from the Mauritius. Mr. Hook, was at this moment under examination by the Board of Audit; and a fresh case had been submitted to the law officers of the Crown, to ascertain whether he could now be prosecuted criminally.

The motion was then withdrawn.

HOUSE OF COMMONS.

Wednesday, June 27.

ECONOMY AND RETRENCHMENT.] Mr. *Hume* began by observing, that he ought to apologise to the House for submitting to its consideration a question of such great importance, as that which he had undertaken to bring forward, at so late a period of the session. Various circumstances had, however, concurred to postpone this motion for ten or twelve days beyond the period which he had originally fixed. Any person who had attended to the proceedings of the House, during the present session, must have noticed the repeated statements which had been made, from both sides, of the distress that weighed upon all classes of the community. There were no doubts on his mind, that the agricultural, commercial, and manufacturing interests were equally depressed. The distress of the agriculturists had been described as almost unexampled; manufacturing capital had suffered no less; and commercial transactions of every description produced profits scarcely sufficient to make it a matter of interest to carry them on.--He was of opinion, that relief could only be given by reducing the expenditure of the country, and thus permitting a reduction of the public burthens. Although he had voted in favour of the appointment of the committee to inquire into the state of agriculture, he did not at the time anticipate, that any benefit, except that of placing in a proper point of view the causes of the distress, would result from the labours of that committee. He thought the Report which had been made, would, in that way, have a most beneficial effect. It would show those gentlemen, who were generally said to represent the agricultural interest in that House, how erroneous the opinions were, which they had entertained, of the possibility of raising the price of their produce, in order to relieve their own distress, at the expense of the other classes of the community. Many persons who formerly entertained such views, were now convinced of their fallacy, and agreed, that the only way to relieve the country, was that pointed out by the report, namely, a reduction of the expenditure: and he was confident real relief could only be obtained by the most rigid economy and retrenchment in every department.

The House, acting as the representatives of the people, had not attended to their duties in this respect so as to answer, as far as he had been able to collect, the just expectations of the people. Out of doors, he found it was the general opinion among all classes, (except those who derived their subsistence from the taxes, and who, therefore, were excusable for differing on such a point), that the expenditure of the country was on too large a scale, and that the estimates which had been agreed to by this House, ought to have been reduced. Let them reflect on the situation in which we stood.—And here he would observe, that he was not one of those persons who viewed the state of the country with any gloomy or desponding anticipations. He was of opinion that this country possessed capital, energy, and other advantages, which, if properly directed, were sufficient to enable it to surmount all its difficulties.

The object of his present motion was, to enforce the necessity of Economy and Retrenchment in every department of the Public Expenditure. And he would show, that the House, during the present session, notwithstanding the claims which had been made by the people to lessen their burthens, had adopted no measures of that kind. He proposed first to lay before the House a Comparative View of the Revenue and Expenditure of the country during the peace of 1792, and at present. He had selected that year for comparison, because the Committee of Finance in 1817 had done so; and because the circumstances of the country, in his opinion, required scarcely any larger establishments now than at that time.

In 1792, the expenditure of the country was considered large when it amounted only to 16,000,000*l.*, including the Sinking Fund. It now amounted to 53,000,000*l.* without the Sinking Fund. In 1792, the interest and charge of the public debt,—he meant that part paid to the public, setting aside the Sinking Fund,—was 9,577,972*l.*: and, on the 5th January 1821, it was 31,252,612*l.* In 1792, the expenses of the civil government and its military establishments (Ireland excluded), were 5,391,206*l.* In 1820, the expenses (Ireland included), were 22,087,501*l.*, being upwards of four times the amount of 1792, as appears by the following statements:—

No. 1.—Abstract of the Public Receipt and Expenditure for Great Britain, calculated on the average Produce of the Years 1788, 1789, and 1790; and Estimates for 1791-2.—[*Vide* First Report of the Committee of Finance, dated 10th May, 1791.]

Receipt.

Permanent Taxes	£.13,472,286	
Land and Malt	2,558,000	
		16,030,286

Expenditure.

Interest and Charges of the Public Debt	£.9,317,972	
Interest on Exchequer Bills	260,000	
		9,577,972
Civil List	898,000	
Charges on Consolidated Fund	105,385	
Navy	2,000,000	
Army	1,748,842	
Ordnance	375,000	
Militia	95,311	
Miscellaneous Services	128,416	
Appropriated Duties	40,252	
		5,391,206
Annual Million to pay off the National Debt	1,000,000	
		1,000,000
		£.*15,969,178

* Viz. For Interest of the Debt and Sinking Fund	£.10,577,972
For Expenses of Civil List, Military Establishments, and Civil Government	5,391,206
Total	£.15,969,178

N.B. The Expenditure of Ireland was somewhat above One Million Sterling.

No. 2.—Expenditure of the United Kingdom, for the Year ending 5th January, 1821.—[*Vide* Annual Finance Accounts.]

Heads of Expenditure.

Class		Total of each Class.
I.—Interest of Permanent Debt of United Kingdom	£.29,126,973	
Charges of Management	276,419	
For Reduction of the National Debt	17,667,536	
		47,070,928
II.—Interest on Exchequer and Irish Treasury Bills		1,849,220
III.—Civil List, England	857,780	
Do. Ireland	204,231	
		1,062,011
IV.—Courts of Justice (England)	65,138	
Mint	13,800	
Royal Family Pensions	327,066	
Salaries and Allowances	56,948	
Bounties	2,849	
Miscellaneous	224,897	
		690,698

V.—Permanent Charges in Ireland		381,504
VI.—Civil Government in Scotland		132,081
VII.—Bounties to Fisheries, Manufactures, &c.	359,213	
Pensions on Hereditary Revenue { Excise	14,000	
{ Post Office ...	13,700	
Militia and Deserters Warrants	51,426	
	————	438,339
VIII.—Navy, Wages, &c.	3,454,000	
General Services	1,801,086	
Victualling Department	1,132,713	
	————	6,387,799
IX.—Ordnance	1,401,585	
Army Ordinary Services.....................................	7,941,513	
Do. Extraordinary Do.	984,911	
	————	10,328,009
X.—Loans, Remittances, Advances, &c., to other Countries..		1,230
XI.—Issues from appropriated Funds for Local purposes		49,129
XII.—Miscellaneous Services at Home.......................	2,324,653	
Do. - - Do. Abroad	292,048	
	————	2,616,701
Total Expenditure.....................		71,007,649
Deduct Sinking Fund of the East India Company, repaid by them......		156,907
Total....................................		£.70,850,742

Viz. Paid to the Commissioners for reduction of the National Debt..		17,510,629
Do. to the Public Creditor, Interest on Funded Debt	£.29,126,973	
Do. to the Public Creditor, Interest on Exchequer and Irish Treasury Bills	1,849,220	
Do. Charges of Management to the Bank of England	276,419	
	————	31,252,612
Expenses of the Civil List, Civil Government, and Military Establishments		22,087,501
Total.....................	————	£.70,850,742

He would take this opportunity of observing, that the public accounts were in such a state as to render it impossible for any man, whatever industry he might possess, to come to an undisputed conclusion upon them. If one person made up an account from them, another might easily draw up a different one, upon the same authority, and challenge the preference for correctness. His hon. friend, the member for Portarlington (Mr. Ricardo), whose unavoidable absence he regretted upon the present occasion, had assisted him in examining the various official accounts, in order to ascertain whether any, and what, progress had been made towards the reduction of the public debt within the last five or six years; or whether it continued the same in amount as at the Union of the English and Irish exchequers in 1817. On so simple a matter as the deficiency of the consolidated fund, there were three public accounts, all signed by the same person, all relating to the same period, and all differing in amounts [Hear, hear!]. As to the reduction of the debt, there was a difference of some millions between the budget and the annual accounts. Both of these accounts, however, showed plainly that the statement made by the chancellor of the exchequer last year, of there being a reduction of 29 millions in the funded and unfunded debt, could not be borne out. He (Mr. H.) had examined the interest paid on the funded and unfunded debt for the last eight years, and found that the charge for the last year exceeded that paid on

the preceding years. The amount of the capital of the debt varied from various causes, and was not to be looked to so much as the amount of the annual or annuity charge to the public which had increased, and was actually 115,820*l.* more for the year 1820, than it was on the average of the years 1817, 1818, or 1819; as appeared by this statement:—

No. 3.—Amount of INTEREST paid to the Public on the FUNDED and UNFUNDED DEBT of the UNITED KINGDOM, and for the Charges of Management at the BANK of ENGLAND, in each of the following Years, ending December in each Year (exclusive of the Sinking Fund).

—	1815.	1816.	1817.	1818.	1819.	1820.
Interest paid on Funded Debt..	27,176,930	31,392,890	29,166,085	28,873,638	29,737,640	29,126,973
Charges of Management	259,970	265,400	284,589	277,699	274,393	276,419
Amount of Interest and Charges	27,436,900	31,658,290	29,450,674	29,151,337	30,012,033	29,403,392
Interest on Exchequer and Irish Treasury Bills	3,014,003	2,196,178	1,815,927	2,200,414	779,992	1,849,220
Total Charge for the Debt .... *£	30,450,903	33,854,468	31,266,601	31,351,751	30,792,025	31,252,612

Average of 1817, 1818, and 1819, £.31,136,792.

* *Vide* Annual Finance Accounts for these Years.

We were now in the sixth year of peace; and he would repeat, notwithstanding what the chancellor of the exchequer had stated, that during that time the charge of the debt had not been reduced a single pound; on the contrary, it had been increased to the amount he had stated, of 115,820*l.* a-year, although during that period there had been an excess of revenue over the proper expenditure. Whenever ministers were disposed to lessen the burthens of the country by reducing the expenditure, he could assure the House they possessed the easy means of doing so. Notwithstanding each of the hon. members, in proposing their estimates, had stated that the charges were reduced to the lowest possible rate, he (Mr. Hume) thought they were framed, considering the situation of the country, on a most extravagant scale. If the House adopted his suggestions he would undertake to prove, what he had already pointed out, that various items of the expenditure of the country might be reduced, not in a trifling or insignificant amount, as the noble marquis opposite would tell them, but to the extent of upwards of four millions sterling, without lessening the efficiency of a single department of the public service [Hear!].

It had been stated, on a former evening by the noble marquis, that the expenses of our establishments had been reduced a million and a half. This reduction, as he should show, was neither in the army, navy, nor ordnance departments, though some would be found under the head of Miscellaneous Estimates, which might be increased or reduced, from year to year, at the pleasure of ministers. The apparent reduction this year arose from the chancellor of the exchequer's not having proposed several large votes usual in the miscellaneous estimates, such as the expense of the coinage, 100,000*l.*; queen Anne's bounty 200,000*l.* &c. &c.; and this he called a saving of a million and a half; but it was more than probable he would call upon the House to vote these sums in the next year; and, it was of little importance that they saved 50,000*l.* this year, if they were to pay 100,000*l.* the next. The savings which he (Mr. Hume) had proposed were of a very different nature. It was stated that there was a reduction in the military estimates as compared with those of last year, which was true; but when compared with the estimates of 1817, 1818, and 1819, there was none.—The sums voted for these services in each of the past four years, from 1817 to 1820, inclusive, would best show whether the assertions of the noble marquis were correct or not.

From the statement he held in his hand, it appeared that the estimates for 1821 were larger than any of the preceding years, except 1820. He would ask the House, whether this was a situation in which things ought to remain? The chancellor of the exchequer and the noble marquis professed a great desire to promote economy; but he, as well as the country at large, looked more to deeds than to words; and he was sorry to say, he had seen nothing in his examination of the expenditure of the country, for the last six years, to prove their sincerity.

No. 4.—Comparative Abstract of the ESTIMATES voted for the ARMY, NAVY, and ORDNANCE, in the last five Years, viz., from 1817 to 1821 inclusive.—[*Vide* Ann[illegible] Estimates.]

Years.	Ordinary Military.	Ordnance with Stores.	Navy.	Total Estimate.
	£.	£.	£.	£.
1817	6,682,318	1,284,035	5,985,414	13,951,767
1818	9,494,290	1,267,999	6,547,810	14,310,099
1819	6,582,800	1,212,000	6,527,781	14,322,581
1820	6,807,466	1,380,002	6,691,345	14,878,813
1821	6,643,968	1,327,000	6,382,786	14,353,754

The hon. member then proceeded to take a comparative view of the actual expenditure for the army, navy, and ordnance of the United Kingdom for 1792 and 1820. He pointed out to the House, that in the year 1792, the whole charges for these departments were 4,760,694*l*., and that in the past year they amounted to 16,715,408*l*. making an increase of 11,954,714*l*. for the charges of 1820, above those of 1792; as per the statement following:—

No. 5.—Comparative Abstract of the EXPENSE of the ARMY, NAVY, and ORDNANCE of GREAT BRITAIN and IRELAND, in the Years 1792 and 1820.

In 1792—Great Britain Army Ordinary	*1,814,000
Ireland - - - Do. - Do.	† 516,349
	2,330,349
Ordnance Great Britain........................	422,001
Do. - Ireland	22,862
	2,775,212
Navy	1,985,482
Total charge in 1792	£.4,760,694
In 1820—Great Britain Army Ordinary............	7,941,513
Extra	984,911
	8,926,424
Ordnance Great Britain........................	1,401,585
	10,328,009
Navy	6,387,399
	‡ £.16,715,408
Total charge in 1792................	4,760,694
Being more in 1820	£.11,954,714 than in 1792.

* *Vide* Parliamentary Papers, No. 314, of 1821.
† *Vide* Vol. 15, Journals Irish Parliament.
‡ *Vide* Annual Finance Account up to 5th January, 1821.

It was but fair, however, to state that, in this large increase of charge, the Retired and Half Pay amounted to near 4½ millions. That, of the army in 1792, was 458,247*l.*, whilst in 1821 it was 2,818,805*l.*, but, after making that allowance, the expense was too great for the circumstances of the nation. He had prepared two statements—one to show the total of the half-pay, or the dead charge in the three departments of the navy, army, and ordnance. The other, to show the comparative amount of half-pay and pensions in 1792, and in 1821, in the army alone.

No. 6.—Abstract of HALF-PAY, and RETIRED FULL-PAY in the ARMY, NAVY, and ORDNANCE ESTIMATES, for the Year 1821 (the Pensions and Retired Allowances in the Public Offices not included).

ARMY.		
Allowances for General Officers		£.174,069 0
Full Pay for Retired Officers	£.129,999 12	
Half-Pay and Military Allowances	819,169 19	
Foreign Half-Pay	121,265 0	
In-Pensioners of Chelsea and Kilmainham Hospitals	58,766 12	
Out-Pensioners of - - - Do. - - - - - -	1,155,305 19	
Widows Pensions	120,993 4	
Compassionate List, Bounty Warrants, and Pensions for Wounds	179,220 0	
Reduced Adjutants Local Militia	19,819 10	
Superannuation Allowances	40,196 14	
		2,614,736 12
NAVY.		
To Flag-Officers, Captains, &c., of His Majesty's Fleet	970,400 0	
Bounty, Chaplains Widows and Orphans, and Widows Charity	40,500 0	
Superannuations to Officers in the Military-Line Naval Service	142,096 13	
Superannuations to Commissioners, Secretaries, Clerks, &c.	105,973 16	
		1,258,970
ORDNANCE.		
To Military Superannuated, Retired, and Half-Pay Officers, &c.	313,703 3	
To Civil, Superannuated, Retired, and Half-Pay Officers, &c. &c.	42,227 6	
		355,930 10
Total		£.4,433,706 11

No. 7.—Comparative Amount of HALF and Retired PAY and MILITARY PENSIONS in the ARMY of GREAT BRITAIN and IRELAND, in 1792 and 1821.

DESCRIPTION.	1792.	1821.
General Officers	£.6,427	£.174,069
Full-Pay Retired Officers	15,064	129,999
Half-Pay Officers	223,161	819,170
Foreign Half-Pay	—	121,265
Chelsea Hospital, In	21,797	58,767
Do. Pensioners, Out	151,307	1,155,306
Widows Pensions	9,382	120,993
Compassionate List	—	179,220
Adjutants Local Militia	—	19,819
Superannuation Allowance	—	40,197
Total Great Britain	£.427,138	2,818,805
In Ireland, Pensions	9,420	—
Half-Pay Officers	17,450	—
Widows, Do.	4,239	—
Total in 1792		458,247

Increase of Half-Pay and Pensions in 1821, more than in 1792....£.2,360,558

When the House considered that the total unredeemed debt of the country, funded and unfunded, had increased from 244,405,021*l.* at an annual charge, for interest of 9,577,972*l.* in 1792, to 836,948,923*l.*, at an annual charge exclusive of the sinking fund, of 31,252,612*l.*, it ought to be convinced by that alone, that a vast reduction of our establishments was necessary to enable the country to keep faith with the public creditor without exhausting the public resources. He was well aware of the delicate situation in which he stood with regard to different members in the House. One, the hon. member for Yorkshire, (Mr. S. Wortley) had said, that he could not support his (Mr. Hume's) propositions for reduction, because they contained mere matters of opinion; and that he was disposed to place more confidence in the declaration of ministers than in his: of this he did not complain. Another hon. member (Mr. Abercromby) had declined to support his propositions because they contained mere matters of fact. [A laugh.] When, therefore, gentlemen came to the same conclusion upon premises so totally different, and that too on the same evening, it appeared to him a difficult task to determine what course he ought to pursue, to obtain their support, on the present occasion. The noble lord at the head of the military department (lord Palmerston) had said, that there were two things over which even the immortal gods had no power—facts and figures. He was happy to agree with the noble lord—it was on facts he (Mr. Hume) principally relied; and, with the aid of figures, he considered himself invincible. The noble marquis on the opposite bench, had formerly said, "Show me but a reasonable ground for reduction, and I will be the very first person to attempt it." He (Mr. H.) had, for several months, been employed in pointing out, in detail, the different items that might be reduced; and he would now recapitulate, in gross amounts, to the noble marquis, the different sums which he had recommended to the House, on very reasonable grounds, to be reduced; but, before he did so, he begged leave to call their attention to the progressive increase of the actual expenditure of the united kingdom, as shown by the Finance Accounts for the four last years. In 1817, the expenditure amounted to 68,710,503*l.*, in 1818, to 68,821,437*l.*, in 1819, to 69,448,899*l.*, and in 1820, to 70,850,742*l.* The very mention of this progressive increase ought to convince the House how imperatively it was called upon to arrest the lavish expenditure of government. In the course of the present session he had occupied a very large portion of the time of the House [loud cries of Hear, hear! from the Ministerial benches;—re-echoed from those of the Opposition]:—he was willing to confess the fact, and also to explain the reason of it. In former sessions, the noble marquis opposite had taunted gentlemen on (his) the opposition side of the House, with always dealing in general charges of profusion, and with never bringing forward any specific instances. Now, he had followed a perhaps novel course, and, out of pure regard to the noble marquis, had brought forward a great variety of instances of, what he would not hesitate to denominate, the most wanton profusion.

For example, in 1792, the expenses of the army alone, without the ordnance, were 2,331,149*l.*; in 1820, they were 8,926,424*l.* exclusive of 105,527*l.* for the Military College, the Military Asylum, militia, &c., which are not included as military expenditure, but charged under the head of Miscellanies. He had prepared a comparative statement showing the actual expenditure for the army in Great Britain and Ireland in 1792, and also for the last four years, in order to prove that the assertion made by the chancellor of the exchequer, that a reduction of more than 500,000*l.* had been effected in this department since the last year, was not correct, if they were to judge by the estimates. He had also extracted an account of the total Army expenditure in Ireland in 1792, amounting only to 516,349*l.*, whilst in the ordinary estimates for army, full and half pay, &c. for 1821, there is in p. 49, an estimate of 1,168,057*l.* exclusive of barrack, commissariat, contingent expenses, &c. &c., which would show the house the great increase of expenditure, in one part of the empire.

The charge for 1821, in the ordinary estimate, is actually more than for 1817, 1818, or 1819; and only 163,498*l.* less than for 1820.

No. 8.—Amount of the ARMY EXPENDITURE (Ordnance and East Indies excepted), of the UNITED KINGDOM and COLONIES abroad, for the following years;—

Actual Disbursements.	1792.	1817.	1818.	1819.	1820.	Comparison of the Estimates of Ordinary Service for 1820 and 1821.
	£.	£.	£.	£.	£.	£.
Army Ordinary Services	*2,331,149	7,014,494	7,255,646	7,719,924	7,941,513	‡Ordinary Estimates 1820.. 6,807,466 Do. 1821... 6,643,968
Do. Extraordinaries	—	2,600,370	1,261,398	1,730,727	984,911	Less in 1821 than 1820 ....£.163,498
Total in each Year	2,331,149	†9,614,864	†8,517,044	†9,450,651	†8,926,424	

* For Great Britain £.1,814,800 *Vide* 48 Vol. Commons Journals.
Ireland 516,349 —— 15th Vol. Irish - Do.

£.2,331,149

† *Vide* Annual Finance Accounts. ‡ Army Estimates laid before Parliament.

N.B. The Charge for the Military College of.......£.18,600
Do. for the Military Asylum of....... 35,501
And for Militia and Deserters Warrants of....... 51,426
Is not included in the Army Expenditure, but in Miscellaneous Expenditure.
Total....... £.105,527

No. 9.—Expenditure for the ARMY in IRELAND for the Year, to Lady-day 1792.—[*Vide* Vol. 15, Irish Journals, p. 219.]

Army	£.433,895
Additional Pay (Dublin)	5,296
Battle Axes	1,892
Garrisons	3,822
Incidents	460
Fire and Candle for Guards, &c.	166
Pensions	9,420
Half-Pay Officers	17,450
Widows of Do.	4,239
Ordnance	22,862
Contingencies	3,000
Barracks	13,337
	539,211
Deduct Ordnance	22,862
Expenditure of the Army	£.516,349

N.B. The Average Expenditure of the Irish Army from 1784 to 1792, without Ordnance and Barracks, was £.465,332.

When he first submitted to their notice his Comparative Statements relative to the establishments of the army in 1792 and in 1821, he had considerably understated the establishment of the latter year; an error he had been enabled to correct by the papers lately laid on the table of the House.

In comparing the numbers of the army in 1792 and in 1821, on the amended statement, he begged to premise that the numbers of 1792 were put down at the

full establishment of the army, although it was well known to be deficient by several thousand men; whereas, in 1821, not more than the numbers actually embodied were entered. In 1792, for Great Britain, Ireland, and the Colonies, the number of regular troops amounted to 45,242, the artillery and marines to 8,115, the militia and yeomanry to 33,410; making a total of 86,807. In 1821, the number of regular troops was 81,106 men, the artillery and marines were 15,872; and, with some troops at the Cape and in Ceylon, amounting in all to 101,539. The militia, and yeomanry, and other irregular corps amounted to 162,328, making a grand total of 263,867, and giving an increase of 177,060 men, above the numbers of 1792.

No. 10.—Statement of the MILITARY FORCE, regular and irregular (Men and Officers included), in GREAT BRITAIN, IRELAND, and the BRITISH COLONIES (exclusive of the East Indies), in the Years 1792 and 1821, made up from Returns before Parliament.

1792.

Regular Cavalry and Infantry in Great Britain	*15,919		
Do. - - - - Do. - - Ireland	†12,000		
Do. - - - - Do. - - Colonies	*17,323		
(Including the Corps at New South Wales)		45,242	
Royal Artillery	3,730		
Do. Marines	‡4,425		
		8,155	
Total Regulars			53,397
Militia of Great Britain disembodied	§33,410		
Total Irregulars			33,410
Total Regular and Irregular Troops			86,807

* Parliamentary Paper, No. 40, of 1816. † Journals, Irish Parliament, Feb. 7, 1792. ‡ Journals, Commons. § Parliamentary Paper, No. 363, of 1821.

1821.

Regular Cavalry and Infantry in Great Britain	27,852		
Do. - - Do. - - Ireland	20,778		
Do. - - Do. - - Colonies	32,476		
		*81,106	
Royal Artillery	7,872		
Do. Marines	8,000		
		†15,872	
Regular Colonial Troops at the Cape of Good Hope	458		
Do. - - Do. - Ceylon	3,606		
		‡4,064	
Recruiting Establishment		497	
Total Regulars			101,539
Militia of Great Britain disembodied in 89 Regiments	§55,092		
Do. - Ireland - - - Do. - - 38 Regiments	‖22,472		
		77,564	
Yeomanry in Great Britain, Men and Officers	¶36,294		
Do. - Ireland - - - - -	**30,786		
Volunteer Infantry, in Men and Officers, Great Britain	6,934		
		74,014	
East India Company's Regiment		††750	
Veteran Battalions disembodied and ready to be called		10,000	
Total Irregulars			162,328

Men in Arms, or may be in Arms in a few hours or days:

Total of Regular and Irregular, 1821	263,867
Do. - - Do. - - - in 1792	86,807
More in 1821 than in 1792	177,060

* Army Estimates, 1821. † Estimates of 1821. ‡ No. 362 of 1821.
§ Parliamentary Paper, No. 363 of 1821. || Parliamentary Paper, No. 330 of 1821.
¶ Parliamentary Paper, No. 189 of 1821. ** Parliamentary Paper, No. 306 of 1821.
†† See Act of 2nd Geo. IV., C.

Such a comparison must speak volumes to the mind of every considerate and independent member in the House. In the increase which he had just pointed out, was included nearly 10,000 dragoons and household troops, the most expensive class in the army. He had prepared a Comparative Statement to show the number of life and foot guards and cavalry at these periods.

No. 11.—Comparative Statement of the Number of HORSE GUARDS, LIFE GUARDS, DRAGOON GUARDS, DRAGOONS, and FOOT GUARDS, in GREAT BRITAIN, in the Years 1792 and 1821, of RANK and FILE, and also of OFFICERS and NON-COMMISSIONED OFFICERS.

—	RANK and FILE.		Officers and Non Commissioned Officers in 1821.	Total of Men and Officers in 1821.	Increase in Rank and File in 1821.
	1792.	1821.			
Life Guards	411	688	187	875	277
Horse Guards	261	344	86	430	83
Dragoon Guards	696	2,668	1,506	9,326	1,972
Dragoons	2,080	5,152			3,072
Foot Guards	3,126	5,760	848	6,608	2,634
Total Number	6,574	14,612	2,627	17,239	8,038

N.B. The number of Cavalry which were in Ireland (supposed 12 or 1,400 men) in 1792, must be deducted from the increase, to give the fair comparison.

The noble lord on the other side of the House, in defending the present large establishments of the army, had said, that the reliefs for foreign stations were the principal causes of the increase; but, surely, the household troops were not available for that purpose, as none of them were ever sent abroad in time of peace. This being the case, he would maintain that the reduction of them was most called for, and ought instantly to take place. The sum saved to the country, by such a reduction, would not be a trifle, since the expenses of every horseman employed in the service were nearly as great as those of the junior clerks in the public offices, some of whom, though they ought in justice to be the last, would certainly, on the plan on which the present ministers proceeded, be the first to suffer in case of any reductions, that their superiors in office might enjoy their overgrown emoluments in security.

He declared, for himself, and those friends about him who had urged retrenchment, that it was not in this way they wished reduction to commence [Hear !] It appeared, by a statement taken from papers on their table, that the expense of a dragoon and horse, exclusive of his forage, &c. was 57*l.* a year, and of a life, and horse-guardsman 75*l.* a year, whilst the charge for infantry of the line was only 31*l.* per man.

No. 12.—Comparative Statement of the Expense of the Life Guards, Horse Guards, Dragoon Guards, Foot Guards, and Infantry of the Line, exclusive of the expense for Corn, Hay, Stabling, &c., &c. (*vide* Parliamentary Paper, No. 399 of 1821).

Expense of a Regiment of		£.		£.	s.	d.	
Life Guards of 8 Troops and 437 Men and Officers		32,446	or	74	4	11	each Man.
Horse Guards Do. - - 430 Do. -	Do.	32,513	or	75	12	2½	Do. Do.
Dragoon Guards Do. - - 439 Do. -	Do.	24,836	or	56	11	5½	Do. Do.

By the Annual Estimates p 3.	£.		£.	s.	
The 3 Regts. of Foot Guards of 6508 Men and Officers, cost	222,959	or	34	5	each Man
A Regiment of Infantry of 10 Companies and 746 Men and Officers	23,059	or	31	0	Do. Do.

N.B. To the latter Sum there may be some additional charge for Contingencies which will increase the amount; and the charge per head will become greater in proportion as the number of privates in each Regiment is reduced, whilst the Officers and Staff remain the same.

The sum that would be saved by a reduction of 10,000 household troops, and an equal number of troops in the colonies, would amount to about 753,955*l.*, independently of a saving by the reduction of their staff officers. A large reduction of expense might also be effected by altering the establishment of the army as to the number of regiments. The noble Secretary of War had laid before the Finance Committee, in 1817, a statement, by which it appeared that 8,000 troops formed into 10 regiments of 800 men each, (the number at which it was then determined to keep the regiments,) could be maintained for 74,326*l.* a year less than the same number of men could be kept up, in 20 regiments of 400 men each, as on the establishment of 1792; and, consequently, in 60,000 rank and file, the present number, the sum of 557,445*l.*, had, in that year been saved to the country. The regiments in 1821 had, however, for what cause he could not tell, been reduced to 650 men each, and, consequently, the expense to the country in keeping up the present number of 60,000, has thereby been increased in no less a sum than 209,042*l.* a year. Instead, therefore, of reducing the number of men in each regiment, as had been done, he would recommend to reduce the number of regiments from 93 to 75: 75 regiments of 800 each, would contain the same number of rank and file as 93 regiments of 650 each; and, a saving of 209,042*l.* a year be thereby effected in the staff and regimental establishments of these 18 regiments. This was so clear that he wondered the noble lord (Palmerston) had deviated from his own plan, a plan so consistent with his professions of economy, but with which the present regimental establishment was totally at variance. The reduction of entire corps, therefore, would produce the greatest saving to the public, and ought to be enforced. A large saving might also be made in the recruiting department which for 1821 was estimated at 73,398*l.* a sum he considered extravagant at a time when they ought to be reducing the army. The establishment of 497 serjeants and privates for recruiting was too large, and 20,000*l.* at least ought to have been deducted from that amount.

The Estimates for 1821 are,

Establishments for Recruiting for the Troops in India	£. 23,211
Do. - - - Do. - - - Do. Great Britain	40,677
Do. - - - Do. - - - Do. Ireland	9,510
Total	£. 73,398

In 1792 the expense of the general and staff officers in Great Britain and the Colonies, was only 23,365*l.*; in 1821 it was 133,490*l.*, being 110,125*l.* more in 1821 than in 1792. In 1792 the staff in Ireland cost only 10,501*l.*, now it was 40,143*l.*, giving an increase of 29,642*l.*

No. 13.—Comparative Statement of the CHARGE for MILITARY STAFF for GREAT BRITAIN and the COLONIES in 1792 and 1821.

1792.

General and Staff Officers in Great Britain ......* £. 6,247
Do. - Do. - in Colonies ......† 17,118

Total...... £. 23,365

1821.

Staff at Head Quarters ...... £.15,089
South and North Britain, Guernsey and Jersey, Medical Staff Officers and Allowances 34,547
Staff for the Colonies, Old and New, and Allowances to Medical Officers 83,854

Total......‡£.1334,90

Increase of Staff Pay in Great Britain and Colonies ......£.110,125

* *Vide* Parliamentary Papers, No. 87, of 1817.
† *Vide* Parliamentary Papers, No. 117, of 1816. ‡ *Vide* Annual Estimates.

If the staff for Great Britain, Ireland and the Colonies, with the *establishments* for the same are taken, the amount, for 1792, was 44,295*l.*, and for 1821, 194,457*l.*, being an increase of 150,162*l.*

No. 14.—General Abstract of the CHARGE for MILITARY STAFF, and the Office Establishments of the ARMY of the UNITED KINGDOM and its COLONIES in 1792 and 1821.

—	1792	1821
Amount of Expense of Staff in Great Britain	£.* 6,247	49,636
Office Establishment	* 10,429	20,824
Amount of Expense of Staff in Ireland	† 10,501	40,143
Do. - Do. - Do. - Colonies	17,118	83,854
Total in each Year	44,295	194,457

* *Vide* Parliamentary Papers, No. 87, of 1817.
† *Vide* Parliamentary Papers, No. 526, of 1821.

The Estimates for the public departments of the War Office, Pay-master General's Office, Judge-Advocate-General's Office, and Comptroller of Accounts, were in 1792, 45,335*l.*; in 1821 they were 99,237*l.*; being an increase of 53,902*l.*

No. 15.—Abstract Amount of the Public Departments of the ARMY of GREAT BRITAIN in 1792 and 1821.

—	1792	1821
The Paymaster General, his Deputies and Clerks	£.18,344	28,884
Secretary at War, his Deputy and Clerks	9,978	51,881
Fees at the War Office, received by the Deputy and Clerks	4,997	—
Judge Advocate General	2,421	5,180
Do. - Do. - Do. - North Britain	—	650
Comptrollers of Accounts	5,103	12,642
Commissary General of Musters	4,492	—
Total in each Year	£.45,335	*99,237

* Exclusive of a charge of 13,371*l.* for Superannuations in the War Office, and of 1,000*l.* in the Pay Office, &c. &c.

The Estimates for the War Office alone in 1792, were 13,253*l.* and now they were, including the Superannuation list, 64,690*l.*, an increase of 51,437*l.* The rapid increase of the charge for superannuations in this office deserved very particular attention.

No. 16.—An Account of the Expense of the WAR OFFICE for the Years 1813, 1817, 1819, 1820, and 1821.

—	1813	1817	1819	1820	1821
Correspondence Department...	£. 30,240	28,356	23,483	23,269	21,527
Accounts	20,334	14,061	14,408	13,947	12,656
Foreign	3,600	—	—	—	—
	54,174	42,417	37,891	37,216	34,183
Arrear Department...............	5,721	18,574	18,121	15,564	17,136
	59,895	60,991	56,012	52,780	51,319
Superannuations	—	6,771	11,689	12,798	13,371
Total in each Year	59,895	67,762	67,701	65,578	64,690

Establishment of the War Office in 1792	£. 8,256
Amount of Fees received in that Year	4,997
Total Expense	£.13,253

The charge of the commander-in-chief's office in 1792, amounted to 846*l.*, now to 14,475*l.*, giving an increase of 13,629*l.* He pointed out these cases to the House as examples of extravagance, and hoped that many of them had only to be mentioned in order to be corrected. The hon. member then complained of the manner in which commissions were at present filled up. He had a list in his hand of 233 individuals who had been placed on the half-pay list within the same year, and upwards of 130 of them on the same day on which they had received their first commissions. The half-pay was originally intended as a reward for past services; but, by the system now adopted, it was a mode of increasing the pensioners of the Crown, which ought not any longer, to be allowed. He was of opinion, that the members of the administration might be well employed during the recess, in devising some measures to put an end to the purchase or grant of annuities for life in this manner, so very disadvantageous to the state. But this was only a small part of the ground of his complaint: there was another which he considered to be of much greater importance. It appeared by returns on the table, that in the last five years 1,194, first commissions had been given in the army, artillery, engineers and marines, and 341 in the navy, making a total of 1,535 first commissions since the peace! In the army 1,105 officers had been appointed to first commissions, of which 508 had been given away without purchase. If these 508 commissions had been filled up from the half-pay, taking the average rates of half-pay of infantry and cavalry at 54*l.* 15*s.* each, there would have been a saving to the country of 27,813*l.* a year, or of 333,756*l.* at 12 years purchase. It appeared also that the number of promotions in the army, from cornets to lieutenants, from lieutenants to captains and so on, in the last 5 years, was 1,448; and, if to these, the 1,105 first commissions were added, there would be a total of 2,553 commissions granted in that time.

No. 17.—Total Number of Gentlemen who have been appointed to FIRST COMMISSIONS in Regiments of Cavalry and Infantry of the Line; of Promotions of Cornets, Ensigns and Second Lieutenants, to be LIEUTENANTS; of Lieutenants to be CAPTAINS; of Captains to be MAJORS; of Majors to be LIEUTENANT-COLONELS: distinguishing the Number of each Rank in each Year from 25th January 1816 to 25th January 1821, and the Total of the whole.—[*Vide* Parliamentary Papers No. 139 of 1819, and No. 127 of 1821.]

	First Commissions.		Cornets & Ensigns to be Lieutenants		Lieutenants to be Captains.		Captains to be Majors		Majors to be Lt. Cols.		TOTAL.
	By Purchase	Without Purchase	By Purchase	Without Purchase	By Purchase	Without Purchase	By Purchase	Without Purchase	By Purchase	Without Purchase	
From January 1816 to January 1817	143	134	64	143	53	45	17	13	2	11	625
Do. - - 1817..............1818	105	71	70	75	56	23	17	8	6	5	436
Do. - - 1818..............1819	178	89	54	59	54	24	17	8	5	5	493
Do. - - 1819..............1820	78	104	62	72	56	41	21	17	5	6	462
Do. - - 1820..............1821	93	110	77	93	70	52	20	11	6	5	537
	597	508	327	442	289	185	92	57	24	32	2,553
Total of each Rank..............	1105		769		474		149		56		Total of the whole.

Viz. No. 1,329 Commissions by Purchase.
1,224 Do. without Do.

Total ... 2,553 Promotions.

It also appeared that in 1821, there were 9,037 officers on the half-pay of the army, at an expense of 812,557*l.* per annum.

No. 18.—Abstract of the Number of OFFICERS on HALF-PAY of the ARMY, in the UNITED KINGDOM, on the 25th March 1821.—[*Vide* Parliamentary Paper, No. 473 of 1821.]

	No.
Colonel	1
Lieutenant-Colonels	187
Majors..	332
Captains; Lieutenants and Captains of Foot Guards and Captains and Lieuts	1,836
Lieutenants, and Ensigns and Lieutenants of Foot Guards........................	3,491
Cornets, 2nd Licutenants and Ensigns	1,346
Paymasters	186
Adjutants	130
Quarter-Masters and Troop Quarter-Masters..	483
Surgeons	333
Assistant Surgeons, Staff Assistants, Hospital Assistants and Mates............	359
Veterinary Surgeons...	24
Physicians	34
Superintendants General and Inspectors of Hospitals	70
Apothecaries, Purveyors, and Clerks..	109
Inspecting Field Officers of Militia, Assistant Quarter-Master General, Deputy Judge Advocate, &c.	28
Commissaries, Deputies and Assistants	13
Chaplains	75
Total..	9,037

Although there had been 2,553 steps in the army in these five years, yet only 303 officers had been brought from half to full pay, being in the proportion of only one to eight of that number.

No. 19.—Return of the Number of OFFICERS who have been appointed from the HALF to FULL PAY, upon Vacancies in the Army, and not by Exchange, since the 31st December 1815.—[*Vide* Parliamentary Paper, No. 278 of 1821.]

—	Lt. Colonels.	Majors.	Captains.	Lieutenants.	Ensigns.	Grand Total.
From Jan. 1 to Dec. 31, 1816	—	—	1	16	9	26
Do. - Do. - - 1817	1	3	4	15	9	32
Do. - Do. - - 1818	1	1	10	20	8	40
Do. - Do. - - 1819	29	5	4	12	10	60
Do. - Do. - - 1820	2	2	29	94	18	145
Total of each........	33	11	48	157	54	303

If all these vacancies had been filled up from the half-pay, the sum of 214,264*l.* of annuties, would have been saved, which, at 12 years purchase, is a charge to the country, equal to 2,571,170*l.* By the 303 officers being brought in from the half-pay, 29,081*l.* a year had been saved, or, at 12 years purchase, 348,977*l.* He did not go so far as to recommend promotion altogether to cease; but he certainly thought that two vacancies in three should be filled up from the half-pay, until that list was much reduced. The statements he had prepared would explain these particulars.

No. 20.—Statement of the Number of OFFICERS of each Rank promoted in the Regular Army to REGIMENTAL RANK in the 5 Years ending the 25th January 1821; the Number of each Rank on HALF PAY, and the Number that have been called from Half to FULL PAY.

—	Ensigns and Cornets.	Lieutenants.	Captains.	Majors.	Lieutenant Colonels.	TOTAL.
Number of Officers of each Rank on Half Pay, as per Return of March 1821 (*Vide* No. 18)	1346	3491	1836	332	187	7192*
Number of Officers promoted to each Rank in 5 years. (*Vide* No. 17)	1105	769	474	149	56	2553
Number of Officers of each Rank brought from the Half to the Full Pay (*Vide* No. 19)	54	157	48	11	33	303

* Exclusive of 130 Adjutants, some of whom are Lieutenants, and some Ensigns, which will make the number 7,332.

No. 21.—Statement of HALF PAY that would have been saved to the Public, if the 2,553 Officers had been brought from the Half to the Full Pay to fill up all Vacancies, instead of receiving First Commissions and Promotions in the 5 Years ending 25th January 1821.

OFFICERS APPOINTED AND PROMOTED BY PURCHASE.

		£.	s.	d.		£.	s.	d.
597	Ensigns at	54	15	0	per annum	32,685	15	0
327	Lieutenants	73	0	0	- - - -	23,871	0	0
289	Captains	127	15	0	- - - -	36,919	15	0
92	Majors	173	7	6	- - - -	15,950	10	0
24	Lt.-Cols.	200	15	0	- - - -	4,818	0	0
1,329	Officers by Purchase					114,245	0	0

WITHOUT PURCHASE.

508	Ensigns of Half-pay at	54 15 0 per annum	27,813 0 0	
442	Lieutenants	73 0 0 - - - - -	32,266 0 0	
185	Captains	127 15 0 - - - - -	23,633 15 0	
57	Majors	173 7 6 - - - - -	9,882 7 6	
32	Lt.-Cols.	200 15 0 - - - - -	6,424 0 0	
1,224	Officers without purchase		100,019 2 6	
2,553	Total		214,264 2 6	
	At			12 Years
	Purchase make the total Value for these Annuities		£. 2,571,169 10 0	

No. 22.—Statement of HALF PAY saved to the Public by bringing 303 Officers from the Half to the Full Pay by Vacancies, and not by Exchange, in the 5 Years ending 25th January 1821.

54	Cornets and Ensigns at...	£.54 15 0 per annum	£.2,956 10 0	
157	Lieutenants	73 0 0 - - - -	11,461 0 0	
48	Captains	127 15 0 - - - -	6,132 0 0	
11	Majors	173 7 6 - - - -	1,907 2 6	
33	Lieutenant-Colonels......	200 15 0 - - - -	6,624 15 0	
		Annuities of	£. 29,081 7 6	
	Which, at			12 Years
	Purchase, give the Value of these Annuities		£. 348,976 10 0	

There were 118 officers on the half-pay of the artillery; and in the last five years, 38 had been brought from half to full-pay; and 62 cadets had received first commissions. The engineers had 50 officers on half-pay, and 26 first commissions had been given in the last six years. The lords of the Admiralty had not been very consistent; they had followed one practice in the marines and another in the navy.

In the marines, in March last, there were 768 officers on half-pay, and 143 had, in the last five years, been brought from half to full-pay; there having been only three promotions and one first commission given in that time.

No. 23.—Return of the Number of Gentlemen appointed to FIRST COMMISSION in the ROYAL MARINES; of Officers who have been brought from Half to FULL PAY, the Number who have been Promoted, of each Rank in each year, and the Total of the whole from the 31st Dec. 1815, to the 25th March, 1821. [*Vide* Parl. Papers, No. 552, of 1821.]

—	Colonels Commandant.	Lieutenant-Colonels.	Majors.	Captains.	First Lieutenants.	Second Lieutenants.	TOTAL in each Year.
From 1st January to 31st December, 1816...	—	—	1	7	68	13	89
Do. - - - Do. - 1817...	—	—	—	4	3	1	8
Do. - - Do. - 1818...	—	—	—	—	5	5	10
Do. - - Do. - 1819...	2	1	—	4	3	6	16
Do. - - Do. - 1820...	—	—	—	4	3	7	14
Do. - - 25th March, 1821...	—	—	—	1	3	2	6
Total...........	2	1	1	20	85	34	143
No. of Officers on Half-pay on the 25th March, 1821..	—	2	3	142	342 and 1 Assistant Surg.	278	768

In these 6 years, only one First Commission, two Lieutenants to be Captains, and one Captain to be Major.

There were about 7,000 officers on the half-pay of the navy, and yet, between January 1816 and July 1821, about 341 first commissions had been given, and 337 promotions made.

No. 24.—An Account of the Number of Gentlemen appointed as Lieutenants, and of Officers promoted in the Royal Navy in the following Years.

In what Year.	To be Assistant Surgeons.	To be Surgeons.	To be Pursers.	To be Masters.	To be Lieutenants.	To be Commanders.	To be Captains.	To be Rear-Admirals.	To be Vice-Admirals.	To be Admirals.	TOTAL in each Year.
1816	1	15	—	6	92	34	10	—	—	—	158
1817	—	5	—	1	27	10	26	—	—	—	69
1818	1	5	—	3	62	23	16	—	—	—	110
1819	—	7	2	—	53	27	17	25	21	13	165
1820	—	11	6	1	56	17	3	—	—	—	94
1821	—	4	—	1	51	22	4	—	—	—	82
Total	2	47	8	12	341	133	76	25	21	13	678

A practice so various in the different branches of the public service, where the claims were equal, appeared to him quite unaccountable. Why should not promotion cease in the army, navy and ordnance in the same manner as it had done in the royal marines, until the half-pay lists were reduced? The facility thus afforded to the commander-in-chief and the ministers, of adding to the number of pensioners on the public, was an abuse little known in former times, and it was high time, he thought, to put an end to it.

The hon. member likewise complained of the manner in which 247 officers had been transferred from the half and full-pay to the veteran battalions, in 1820 and 1821, a circumstance which, when coupled with the reduction of those battalions immediately afterwards, was calculated to induce the belief, that they had only been transferred to those battalions to give the ministers an excuse for placing so many officers on full pay for life, and thus to create an additional expense of 13,870*l.* a year to the country, which, at 12 years purchase, amounted to 166,440*l.* [Hear!]. He thought this a most objectionable proceeding, as the total actual service of some of those officers thus put on full-pay for life, did not exceed one year. The number of each rank thus pensioned would appear by the following statement: and it should be borne in mind, that 68 promotions were made in the regiments of the line to fill up the vacancies occasioned by the transfer to the veteran battalions.

No. 25.—Abstract of the Number of Officers brought from the Half-pay, and transferred from Full-pay to the Royal Veteran Battalions, and placed on Full-pay for Life on the Reduction of these Corps.

—	Cols.	Lt.-Cols.	Majors.	Captains.	Lieuts.	Ensigns.	Adjts.	Quarter Masters.	TOTAL.
From Full-pay,*............	—	1	3	20	34	7	1	2	68
Half-pay,†............	8	8	2	29	96	33	1	2	179
Total of each Rank,...	8	9	5	49	130	40	2	4	247

* *Vide* Parl. Paper 128 of 5th March, 1821.
† *Vide* ditto 129 of ditto.

			£.	s.	d.
Difference of Full and Half-pay of	68	Officers	3,791	8	9
Do. - - - Do. - -	179	Do.	10,078	11	3
			13,870	0	0
Which, at			12 Years		
purchase, amounts to			£.166,440	0	0

Adverting to the expenditure of the military college, the hon. member remarked, that it was not included in the army estimates, but charged in the miscellaneous expenditure, which was rather surprising. It had been established in 1801, at an expense of only 3,859*l.* a year; yet, it would appear by the following statement, that in the five years since the peace from 1816 to 1821 it had cost, for the junior department alone, 115,280*l.*, and, for both departments, 134,130*l.*

No. 26.—Abstract of the Expense of the ROYAL MILITARY COLLEGE, for the Years 1816, 1817, 1818, 1819, and 1820, and Estimate for 1821.

	1816.		1817.		1818.		1819.		1820.		Total.	
	Cadets.	Officers.	Cadets.	Officers.	Cadets.	Officers.	Cadets.	Officers.	Cadets.	Officers.	Cadets.	Officers.
	412.	30.	412	30	330	30	320	30	290	30	1,764	150
	£.		£.		£.		£.		£.		£.	
Staff	7,493		6,567		6,599		6,605		6,469		33,733	
Junior Department .	20,692		17,588		13,778		12,303		9,181		73,542	
Total	£. 28,185		24,155		20,377		18,908		15,650		107,275	
Pensions..........	368		491		740		646		2,153		4,398	
Contingencies......	—		—		750		1,697		1,160		3,607	
Senior Department	5,265		3,508		3,647		3,923		2,507		18,850	
Total Expense in each Year	£. 33,818		28,154		25,514		25,174		21,470		134,130	
No. of Cadets who have received Commissions in each of these Years	18		40		18		14		44		160	

N.B. The Estimate for 290 Cadets and 15 Officers for 1821, is £.18,739.

If the Pensions to the amount of £.2,153 already granted, are calculated at 12 years purchase, they will amount to the sum of £.25,836.

During that period, there had been 1764 cadets educated there, but only 160 had received commissions; so that the expenses of this establishment, divided among the number who had been admitted to the army, had been no less a sum than 720*l.* each. As he conceived this to be a most intolerable abuse and unnecessary expense, he trusted it would not be long tolerated by the House. Although the expenditure had decreased from 33,818*l.* in 1816 to 18,739*l.* in 1821, it might still be very much reduced, if not altogether dispensed with. The staff officers alone exceeded 6,000*l.* a-year to manage a few young men—surely that was enormous!

He then noticed the increase which had taken place in the superannuation list of the civil establishments. In 1792, the allowances under this head did not amount to more than 5,000*l.*; in 1816, they amounted to 17,961*l.*, and now they amounted to 40,179*l.*, being an increase of 22,233*l.* since 1816. A similar increase had taken place in the barrack department. In 1792, the expense under that head was 13,350*l.*; it was now 226,332*l.* [Hear, hear!] of which 137,500*l.* was for barracks in England, and the remaining 88,832*l.* for barracks in Ireland. In 1821, the expense of the commissariat was 513,671*l.*; viz. 401,569*l.* for England, and 112,102*l.* for Ireland, whereas, in 1792, it scarcely existed. It ought not to escape the attention of parliament, that the charge for the barrack establishment in 1821 was greater than for 1818 or 1819; and that the expense of the commissariat in this year was only 15,000*l.* less as compared with the years 1818 and 1819, although it was 62,000*l.* less than for 1820, as appeared from the statement he held in his hand.

No. 27.—Expense of the BARRACK and COMMISSARIAT ESTABLISHMENTS of the UNITED KINGDOM, for the Years 1818 to 1821.

DEPARTMENT.		1818.	1819.	1820.	1821.
Barracks	Great Britain	99,100	123,500	241,000	137,500
	Ireland..........................	123,474	73,000	114,033	88,832
	Total each Year...........£.	222,574	196,532	355,033	226,332
Commissariat	Great Britain	397,700	380,300	476,294	401,569
	Ireland..........................	134,249	148,532	100,077	112,102
	Total each Year...........£.	528,949	528;832	575,371	513,671

The commissariat in Ireland had only 2,400 horses to support; and, if those horses had been put out to livery at the usual livery charge, they would not have cost the sum which had been paid for the establishment of the commissariat kept to supply them [Hear!].

He ought also particularly to notice the charge for issuing the army foreign half-pay as he considered it highly objectionable and unreasonable. The Secretary at War had appointed Mr. Disney to that department, and allowed him at first the very exorbitant commission of 3½ and since 2½ per cent, for the disbursement of 125,000*l.* a-year for the last five years, amounting in that time to 17,662*l.* being on an average 3,532*l.* a-year:—this was extravagant, and ought to be instantly reduced. The 2½ per cent allowance for paying Foreign Artillery half-pay had ceased by minutes of council in 1816, and 2*d.* in the pound now allowed was found quite sufficient, whilst the noble lord allowed Mr. Disney 6*d.* in the pound for the same kind of duty.

Having closed his observations on the Army Establishments, he would shortly recapitulate to the House the principal motions which had been made for reductions, in that department. The grounds having been stated at length in the course of the session, why the reductions should take place, he would only then repeat the purport of each motion. It had been proposed to reduce 20,000 men of the army, the greater part to be household and colonial troops; and, if that motion had been acceded to, there would have been saved to the country in pay, &c. 753,955*l.*, and in the Extraordinaries 300,000*l.*, making a total of 1,053,955*l.* He had proposed to reduce 93 regiments, of 650 men, into 75 regiments of 800 men each, which would have effected a saving of 209,042*l.* In the barrack establishments of England and Ireland, he had attempted to make a reduction of 120,000*l.* In the English and Irish commissariat, he had pointed out where to make a reduction of 115,000*l.* And, if it were intended to abolish useless offices, surely a large part of the charge in this year of 34,462*l.* for garrison establishments ought to be reduced. At Berwick-upon-Tweed, for instance, there was not a gun upon the ramparts, or any stores kept there, and yet the salaries of the governor, deputy-governor, staff, &c. amounted to 944*l.* a-year. It had been proposed to reduce 12,000*l.* for the first year, from that amount of garrison expense.

Propositions had likewise been made to reduce the estimate for the Military Staff, for the Commander-in-Chief's-office, for the War-office, for the Judge-Advocate-General's-office, and for many other public offices, amounting, (according to a list held in his hand,) to 151,172*l.*, which, added to those just mentioned, would have saved the nation no less a sum than 1,663,127*l.* in the Army Estimates alone. He intreated the landed gentlemen in the House, who complained so loudly of the distresses of the country, not to undervalue the relief which would have been afforded to all classes of the community, had they given their support to these economical propositions made by several hon. members and himself in the course of the present session. If they would continue to support such extravagance, the farmers and land-owners, their constituents, must never expect to be extricated from their difficulties.

The hon. gentleman then proceeded to compare in the same manner the expenditure of the Navy in 1821 with that of 1792. The expenses of the navy in 1792,

amounted to 1,985,482*l.*;* in 1821, the Estimates were 6,382,786*l.*, being 4,397,304*l.* more than in 1792. It would be seen by the statement he had prepared, that the annual Navy Estimates had varied little since 1817.

* *Vide* Parliamentary Papers, No. 314, of 1821.

No. 28.—Abstract of NAVY ESTIMATES, from 1817 to 1821, inclusive.—[*Vide* Annual Estimates.]

ORDINARY EXPENDITURE.	1817.	1818.	1819.	1820.	1821.
	£.	£.	£.	£.	£.
Estimate of Salaries, &c. ...1.	1,243,451	1,250,508	1,256,626	1,228,009	1,225,629
Do. of Half-pay. ......2.	1,146,828	1,130,512	1,125,693	1,150,370	1,152,997
Do. of Superann. &c...3.	89,870	99,661	100,694	102,187	105,974
£.	2,476,149	2,480,681	2,483,013	2,480,566	2,484,600
For Building Ships	1,139,271	1,230,990	1,145,430	1,142,580	1,094,580
Improving Yards	252,368	556,191	486,198	451,900	424,648
Victualling..................	300,000	320,000	419,319	389,500	280,908
Transport Department...	261,527	178,948	284,321	245,924	231,900
£.	1,953,166	2,286,129	2,335,268	2,229,904	2,032,036
Estimate of Wages, &c.	1,556,100	1,781,000	1,709,500	1,980,875	1,866,150
Total Estimate............	5,985,415	6,547,810	6,527,781	6,691,345	6,382,786
Deduct for Old Stores.........	671,101	309,205	334,487	263,820	163,400
£.	5,314,314	6,138,605	6,193,294	6,427,525	6,219,386
Actual Expenditure from Annual Finance Accounts .... £.	6,473,062	6,521,714	6,393,552	6,387,799	—

It was for the House to consider whether in a time of peace, with so few ships in commission, and with only 14,000 sailors employed, the country ought to continue so great an expense for that department. The great and unnecessary increase of the different civil establishments since 1792, he would now point out. The expenses of the Admiralty, navy and navy-pay offices in 1792, was 58,719*l.* In 1813, a time of the greatest naval exertions, the charge was 189,227*l.* and in 1821, a time of peace, the Estimates had been reduced to 185,050*l.*, only 4,177*l.* less than in 1813, and 126,331*l.* more than in 1792. The Victualling-office Establishments cost 36,536*l.* in 1792, and in 1821, they were 96,456*l.*, being 59,920*l.* more in this year than in 1792. The charge for the Dock-yard Establishments was very large. It had not been reduced in any proportion to the reduction of seamen or ships employed, nor did there appear to be that difference between a time of peace and of war, which might reasonably be expected. A statement he had prepared, would show that, in 1792, the total charge for Dock-yards at home was 25,352*l.*, in 1813, it was 212,142*l.* and in the present year 210,745*l.*, being only 1,398*l.* less at present, when we had only 119 ships, than in the midst of war, when we had 666 ships, in commission. If the expense for the new Dock-yard at Pembroke was added, the total charge this year for Dock-yard Establishments would be 217,156*l.*

No. 29.—Charge for the DOCK YARDS at Home, for Salaries to OFFICERS, &c.

——	1792.	1813.	1817.	1819.	1820.	1821.
	£.	£.	£.	£.	£.	£.
Deptford	3,588	26,710	27,582	29,352	28,975	*28,732
Woolwich	4,058	30,411	32,440	30,379	30,237	29,802
Chatham	4,200	33,241	36,883	36,956	36,488	35,138
Sheerness	2,434	23,870	26,659	26,209	24,707	24,078
Portsmouth	6,126	54,250	59,969	58,281	50,468	*49,183
Plymouth	4,946	43,660	45,299	44,585	45,930	43,512
	25,352	212,142	228,832	225,762	216,805	210,745
Pembroke						6,411
£.						217,156

* The Sum of £.2,060 is included in this amount for Transport Establishment at Deptford and Portsmouth.

How far it was proper to keep up the Establishments of clerks and other officers, when the number of workmen were reduced; or how far it was proper to keep a larger number of men than were required, and employ them for a few hours, only in the day, had been questioned by the Finance Committee. If there were any probability of the workmen being required in a short time, it might be well to keep them thus employed; but, with the prospect of a long peace, it appeared very objectionable. Such was the disproportion between the workmen, the operative, active and most valuable part of the Dock-yard Establishments, and the officers and clerks to superintend them, that in the Estimates for this year the total charge for wages to the former amounted only to 192,645*l*., whilst the salaries of the latter were 215,086*l*. or 22,441*l*. more than the total sum for wages of labourers, carpenters, caulkers, &c. &c. He had prepared a table to show these particulars, and he trusted such Estimates would never again be laid before that House.

No. 30.—Comparative Statement of the Charge for OFFICERS SALARIES and PAY of MEN in the different DOCK YARDS in 1821.—[*Vide* Annual Finance Accounts.]

——	Amount of Salaries, &c., to Officers, Foremen, Measurers, &c., who receive Yearly Salaries.			Amount of Wages to Artificers, and Labourers employed in building, &c., His Majesty's Ships.		
	£.	s.	d.	£.	s.	d.
Deptford	27,149	18	5	18,157	0	0
Woolwich	29,802	10	0	25,022	0	0
Chatham	35,438	13	2	52,976	0	0
Sheerness	*24,078	13	0	4,754	0	0
Portsmouth	48,705	13	0	37,353	0	0
Plymouth	43,511	11	0	45,559	0	0
Pembroke	6,399	10	0	8,824	0	0
Total	215,086	8	7	192,645	0	0
Deduct Amount of Men's Wages	192,645	0	0			
More for the Pay of Officers, Measurers, &c., than for the Men, exclusive of Houses, Allowances, &c.	£.22,441	8	7			

* If the above Charge for the Pay of the Officers and Men in Sheerness is calculated, it appears that 95 Officers will be paid 16*s*. 6*d*. each for 313 working days, to superintend 86 workmen, at 3*s*. 6*d*.

The charge for outports and foreign naval stations had also increased in an unreasonable degree. In 1792, the total charge for them was 4,508*l*. In 1813 it had increased to 52,369*l*. and, strange to tell, in this year the charge was 53,951*l*.! Being 49,443*l*. more in 1821 than in 1792, and 1,582*l*. more than in 1813, a time of extended warfare:—an increase to him quite inexplicable. After an attentive examination of all these naval establishments, he had pointed out reductions to the amount of about 251,407*l*., which might be made without injury to the public service from the estimates of 1,225,629*l*.

The expense for building and rebuilding ships of war, and for stores, appeared also very great for the sixth year of peace. He submitted to the serious consideration of the House, whether they were not throwing away more money on this branch of the navy than prudence warranted or necessity required. It was of vital importance to have an efficient navy; but, to have more ships than the finances of the country could afford, or than any force likely to be brought against us could require, appeared to him a waste of means. The opinion of the Finance Committee on this subject deserved attention; in their 8th Report they said, "that the amount and preparation of ships of war, must be left to the sound discretion of the government generally, and of the board, whose duty it is, more particularly to manage this most important department of the state. Always bearing in mind, that not ships, and stores, and military arrangements, are alone necessary for the safety, or for the glory of the country, in the event of war; but that finances recruited during peace, and wealth and industry, generally diffused through the nation by all practicable saving of expense, and consequent diminutions of burdens, are at least of equal importance while they mainly contribute towards the happiness and comfort of all classes of society at the present time."

If he was rightly informed, the whole navies of Europe and America, if united and brought together against us, would not equal half the number of our present navy. The improbability of that combination ever taking place was very great, and we ought not (as the committee had strongly impressed upon the House), to go on, exhausting our immediate resources in order to be prepared for a distant and improbable contingency. The total number of ships of war of all descriptions in 1792 was 401, and with them we were able to defeat the French and Spanish navies, then much more powerful than at present. In 1792 we had 278 rated ships and 123 sloops in ordinary and at sea, and 16 rated ships building. In 1821 we had 538 rated ships, and 163 sloops in ordinary and at sea, and 30 rated ships building, being an increase of 260 rated ships, and 40 sloops built, and 14 rated ships building, more in 1821 than in 1792. This was nearly double the number and strength of 1792, and he, therefore, called upon the House to pause before, in the present state of our finances, we added to that number. The comparative numbers would be best seen by a table he had prepared of the number of ships in each of these years.

No. 31.—SHIPS of WAR in COMMISSION and in ORDINARY, in each of the following Years, as stated in Returns laid before Parliament.—[*Vide* for 1792, Parliamentary Return, No. 133, printed in June, 1820.]

	1786.		1792.		1813.		1814.		1819.		1821.	
Guns.	Com.	Ordi.	Com.	Ordi.	Com.	Ordi.	Com.	Ordi.	Com.	Ordi.	Com.	Ordi.
First Rates......100	—	5	1	4	*7	7	8	6	2	14	2	23
Second Do. 90 to 98	—	21	7	9	9	9	9	6	1	11	2	22
Third Do... 74 to 80	17	103	18	89	102	106	111	100	11	69	14	97
Fourth Do...50 to 60	6	14	8	10	8	13	10	15	9	5	7	29
Fifth Do... 32 to 44	13	84	31	59	118	84	134	83	18	58	14	126
Sixth Do... 12 to 28	12	31	12	30	38	27	43	35	19	3	65	137
	48	258	77	201	282	246	315	245	60	160	104	434
Sloops, Yachts, and Small Vessels ..	38	73	67	56	209	150	226	171	95	250	15	148
	86	331	144	257	491	396	541	416	115	410	119	582
Total in each Year	417		401		887		957		525		701	

* By the 8th Report, page 59, of the Finance Committee in 1818, the number of Ships (including 24 hired Vessels), is stated on 1st January, 1813, to have been 666, in Commission and 335 in Ordinary, making a total of 1,001 Vessels.

The expense that had been incurred for the repair and building of ships almost exceeded belief; it was 17,702,258*l.* in the last seven years, for wear and tear, ordinary repairs and building, as appeared by an account he had extracted from the annual estimates.

No. 32.—An Account of the SUMS Voted for the Wear and Tear of the NAVY, for the Ordinary Repairs, for Building, Rebuilding, and Repairing SHIPS of WAR, Hulls, Masts, Yards, Rigging, and Stores for His Majesty's Dock Yards, and also in Merchants' Yards, from 1815 to 1820 inclusive.—[*Vide* Navy Estimates.]

—	For Wear and Tear.	For Ordinary Repairs.	For Building, Rebuilding, and Repairing Ships of War, Hulls, Masts, Yards, Rigging, and Stores.	Merchants' Yards, East Indies.	Total Amount each Year.
	£.	£.	£.	£.	£.
1815	2,386,500	462,242	1,621,038	29,413	4,499,193
1816	922,350	535,589	1,499,603	65,728	3,023,270
1817	531,050	364,625	1,076,277	63,000	2,034,952
1818	559,000	310,000	1,170,990	60,000	2,099,990
1819	533,000	310,000	1,085,430	60,000	1,988,430
1820	612,953	310,000	1,062,580	80,000	2,065,533
	5,544,853	2,292,456	7,515,918	358,141	15,711,378
1821	586,300	310,000	1,014,580	80,000	1,990,880
Total..	6,131,153	2,602,456	8,530,498	438,141	17,702,258

When so much had been expended in seven years of peace, we had a right to consider ourselves in possession of a very efficient navy at present, and to expect a greatly diminished expenditure in this and the ensuing years. He believed that the ships in ordinary were in better condition than they had ever been in any former peace; But the rate at which the manufacture of ships was going on, notwithstanding the numbers now on hand, appeared to him absolutely absurd. An hon. baronet (sir Joseph Yorke) had said, that we were over-manufacturing ships, and he (Mr. H.) entirely concurred in that opinion; he had therefore recommended a reduction of 550,000*l.* on the estimate for this year. The House would be the better able to judge of the propriety of that reduction when they knew that in the three years, 1790-1 and 2, the total sum expended for building, repairing, and stores was 1,113,262*l.*; and that, in the last three years 1819, 1820, and 1821, the sum of 3,382,590*l.* had been voted for the same purpose, being no less than 2,269,328*l.* more, in the three last years, than in the three years preceding the French war.

No. 33.—Comparative Expense for Building, Rebuilding, and Repairing SHIPS of His Majesty's NAVY, for the following Years.

* Building and Rebuilding, &c., in	1791......	£.390,994	
Do. - - Do. - -	1792......	352,040	
Do. - - Do. - -	1793......	370,228	
			1,113,262
† Do. - - Do. - -	1819......	1,145,430	
Do. - - Do. - -	1820......	1,142,580	
Do. - - Do. - -	1821......	1,094,580	
			3,382,590
More in 1819, 1820, and 1821, than in 1791, 1792, and 1793			£.2,269,328

* *Vide* Parliamentary Paper, No. 133 of 1820. † *Vide* Annual Estimates.

When, therefore, the immense expenditure since the peace, and the great number of ships already built and in good condition, were taken into consideration, he thought the reduction proposed would appear reasonable.

The charge for improvements in the dock-yards increased the estimates very much, and appeared to him, to require minute examination. He did not question the importance of having our dock-yards in the most complete order for the expediting of work and the preservation of stores, &c; but he thought these advantages might be purchased too dear if the improvements were disproportionate to the wants of the service. Many of the works had been begun, and were carrying on, upon a scale by far too large, for any service this country could ever again require. He had called upon the House, therefore, to institute an inquiry by a committee, into the state of the works now in progress, and, to consider of the propriety of completing them on the scale at present proposed, before they should vote so large a sum of money as they had done this year; he was still satisfied that he was right in so doing. He regretted, therefore, that the House had refused inquiry into a subject which had already cost millions, and in which millions more were involved. It must be as well known to many hon. members as it was to him, that the utility of the works now carrying on at the dock-yards of Sheerness, Bermuda, and other places, as compared with their expense, was very generally questioned. He believed it would be found, on inquiry, that much money had been already thrown away on these works, and that many now proposed to be finished were quite unnecessary. The expenditure of nine or ten millions in fortifications and barracks, which had since been designated, by a committee of the House, as a waste of public money, proved the necessity of more accurate investigation when votes of this kind were proposed. He had prepared statements of the sums voted for works at the different dock-yards, abroad and at home, in the last eleven years, which amounted to 4,264,598*l.*

No. 34.—FOR IMPROVEMENT OF YARDS AT HOME AND ABROAD.

Sums Estimated for the different Dock Yards belonging to Government at Home and Abroad, for the Years from 1811 to 1821, both inclusive.

	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.	1819.	1820.	1821.	Total of each Yard.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Deptford	510	—	—	9,500	44,175	25,346	2,000	34,600	9,905	—	—	197 036
Victualling Department	—	—	—	24,000	—	20,000	—	—	27,000	—	—	
Woolwich	—	1,7[illegible]0	16,859	29,334	29,259	10,000	15,459	31,400	16,700	12,000	12,000	174,741
Chatham	5,000	17,850	42,244	27,048	20,386	95,556	50,885	104,225	54,880	34,000	30,830	482,804
Sheerness	58,749	17,346	80,000	80,000	109,846	160,000	70,000	180,000	152,000	210,000	208,000	1,355,9[illegible]1
Portsmouth	24,835	19,776	5,633	39,170	17,149	10,000	1,000	1,564	6,900	6,000	5,000	205,167
Do. - Victualling Department	—	10,000	50,140	8,000	—	—	—	—	—	—	—	
Plymouth	19,099	11,420	19,467	37,562	41,811	58,230	24,024	20,502	21,131	12,400	7,236	272,832
Do. - Sound	—	80,000	72,000	90,000	85,608	90,000	40,000	65,000	64,000	64,100	52,041	702,749
Pembroke	—	—	—	—	—	—	—	50,300	22,000	27,000	27,770	127,070
Hawlbowling Island	28,240	10,000	10,000	10,000	10,000	10 000	10,000	15,000	15,000	15,000	9,832	143,072
Pater	—	—	—	20,000	38,000	54,500	19,000	—	—	—	—	131,500
Total each Year	136,433	168,122	296,343	374,614	396,234	533,632	232,368	502,591	419,516	380,500	352,709	3,792 962
Leith	—	—	—	—	—	—	—	4,200	3,000	2,000	2,959	12 13[illegible]
Admiralty Office	6,450	2,000	—	—	—	—	—	—	—	—	—	8,450
Royal Marine Barracks, Woolwich	—	—	—	—	13,625	3,600	—	—	—	—	—	17,225
	142,883	170,122	296,343	374,614	409,859	537,232	232,368	506,791	422,516	382,500	355,648	3,830,776
Foreign Yards.												
Bermuda	42,340	20,000	10,000	20,000	20,000	40,000	20,000	20,000	20,000	20,000	20,000	252 340
Jamaica	—	—	—	—	—	—	—	—	15,000	15,000	15,000	45,000
Halifax	—	—	—	—	—	—	—	—	452	—	—	452
Kingston, Canada	—	—	—	—	—	—	—	—	1,330	10,000	10,000	21,330
Gibraltar	—	—	—	—	—	—	—	6,500	6,500	4,000	4,000	21,000
Malta	10,000	—	—	—	—	—	—	400	400	400	—	11,200
Trincomalee	—	—	—	—	—	—	—	20,000	20,000	20,000	20,000	80,000
Antigua	—	—	—	—	—	—	—	2,500	—	—	—	2 500
Total each Year	195,223	190,122	306,343	394,614	429,859	577,232	252,368	556,191	486,193	451,900	424,648	4,264,598

Add the Sums estimated to complete the Works.............1,254,897

Total Expense since 1811, on Dock Yards...£.5,519,495

By the estimates for this year, a sum of 1,679,545*l.* was stated as necessary to complete the works already begun, without including those at Jamaica, Kingston in Canada, Trincomalee, &c. for which no estimates could be given.

No. 35.—Estimates of SUMS wanted to complete WORKS carrying on in the different DOCK YARDS.—[*Vide* Navy Estimates of 1821.]

PLACE.	Total Estimate to complete Work.	Of which will be wanted in 1821
	£.	£.
Woolwich	46,420	12,000
Chatham	58,330	30,830
Sheerness	955,421	208,000
Portsmouth	5,000	5,000
Plymouth	5,636	7,236
Plymouth Sound	243,223	52,041
Pembroke	27,770	27,770
Leith	2,939	2,939
Haulbowline Island	9,832	9,832
Bermuda	314,910	20,000
Jamaica	Uncertain.	15,000
Kingston in Canada	Uncertain.	10,000
Gibraltar	10,064	4,000
Trincomalee	Uncertain.	20,000
	1,679,545	£.424,648
In 1821	424,648	
To be expended in future Years to complete the Works	1,254,897	

Of that sum 424,648*l.* was already voted for this year, and 1,254,897*l.* would be further required; but, if he were to judge from the usual excess of expense beyond the estimate, for any given works (those at Sheerness, for instance), he should say that three millions would not complete them. He was the more induced to propose a reference to a committee, because the accounts and estimates submitted to parliament respecting these works, differed so widely from each other. In one account, for example, the estimate in 1814, to complete the works at Sheerness, was stated at 824,992*l.*; and, although upwards of a million had since that time been expended on them, there was in the amount for this year, the further sum of 955,421*l.* estimated as still wanting. To prove the absolute necessity of proper estimates being laid before parliament, as the Finance Committee had recommended, before any work of magnitude was undertaken, he had prepared a comparative account of the sums estimated and expended at Sheerness alone in the last 10 years.

No. 36.—SUMS Estimated for Services at His Majesty's Dock Yard at SHEERNESS, detailed as under, and the Sums Voted in the several Years, from 1811 to 1821 inclusive. [*Vide* Estimates laid before the House.]

Year.	——	Estimate for completing the Works.	Sums voted to be laid out during the Year.
		£.	£.
1811	Towards building a New Wharf	—	30,000
—	Do. - Do. - Do. Dock	—	10,000
—	To build Artificers' Lodges upon the site of the Old Navy Yard	—	10,000
—	Towards erecting a New Smithery, with Machinery	—	8,000
	Carried forward £	—	58,000

Year			
	Brought forward £....	—	58,000
—	To take down the Old Rigging-house, and erect Stables and Chaise-house	—	749
1812	To carry on the Wharf Wall	—	17,346
1813	Do. - Do. Do. and other Improvements......	—	80,000
1814	Towards carrying on the Improvements to the Yard	824,992	80,000
1815	Do. - Do. - - Do. - in Docks, Basin, Lea Wall, and Mast Pond, &c..........................	739,992	109,846
1816	Do. - Do. - - Do. - including Enlargement of the Dock..................................	635,146	160,000
1817	Do. - Do. - - Do. - in Docks, Basins, Sea		
—	and Boundary Walls, and Mast Pond, and for Levelling the Surface of the Yard	486,674	70,000
1818	Do. - Do. - - Do. - - Do - -	433,800	170,000
—	Do. - Do. - - Do. - to take down and rebuild Wharf and Stairs, at North part of the Yard	10,000	10,000
1819	Do. - Do. - - Do. - - Do. - -	553,800	170,000
—	Towards building the Working and Store Mast-houses, and a Store-house on the entrance of Powder-Monkey Bay....	80,800	12,000
1820	Do. - Do. - - and Smithery, Coal and Iron Stores, and Boundary Wall, &c.	171,860	10,000
—	Towards carrying on Improvements in Docks, Basins, and Lea Walls, &c..................................	—	200,000
1821	Do. - Do. - - Do. - and Ordnance Wharf, and Small Basin	821,838	193,000
—	For building a Smithery, Coal and Iron Store, a Large Storehouse, a House for Commissioners, and other Works necessary for completing the Yard........................	133,583	15,000
	Total laid out, including 1821	—	1,355,941
	Estimate of Amount wanting in future Years to complete the Works at Sheerness alone, after the date of this Year	—	747,421
	Total Expense for Sheerness	—	2,103,362

He would again appeal to the House, whether inquiry was not necessary when a sum of 2,103,362*l.* was to be expended upon works at Sheerness, one of the second-rate dock-yards; and when the total expenditure for the dock-yards, including the estimate to complete, already exceeded 5½ millions since 1811. The scale on which such works were now carrying on, compared with former periods of peace, when the dock-yards were found sufficient for all purposes, would be made plain by a comparative statement of the expenditure, in the three years before the French war, when only 166,900*l.* was charged for the dock-yards, whilst, in the three past years, the sums voted by parliament amounted to 1,362,746*l.*

No. 37.—An Account of the EXPENSE for Improvement of the DOCK YARDS in the following Years.

*For Improvements in the Yards in	1791	£.54,061	
Do. - - Do. -	1792	45,307	
Do. - - Do. -	1793	67,532	
			166,900
†Do. - - Do. -	1819	486,198	
Do. - - Do. -	1820	451,900	
Do. - - Do. -	1821	424,648	
			1,362,746
More in 1819, 1820, and 1821, than in 1791, 1792, and 1793....			£.1,195,846

* *Vide* Parliamentary Paper, No. 133 of 1820. † *Vide* Annual Estimates.

The difficulties of the country required that a stop should be put to the enormous expense, at which such works have been carried on; and he had, therefore, proposed a reduction of 357,136*l.* which, added to the proposed reduction in the charge for civil establishments, and for the building of ships, amounted to 1,108,543*l.* in the Navy Estimates alone. He would conclude his remarks on this department with the observation, that the Committee of Finance in 1817, expressed their expectation, that the estimates would gradually be less from year to year, whereas, by the statement he had submitted to the House, it appeared that, on the contrary, they had been increasing, and for 1821, were near 400,000*l.* more than for 1817.

He should not be very minute in his observations on the Ordnance, not that it deserved less attention than the army or navy; but because he had, by the various returns called for, and the different statements already offered to the House, sufficiently explained the extreme profusion in this department, and pointed out the necessity of a very great reduction in every branch of it. By a statement in his hand, it appeared that the Estimates had greatly increased the [illegible] two years, and unless the House interfered to check this extravagance, he knew not to what extent it might proceed. The average Estimates for 1817, 1818 and 1819, were 1,254,678*l.* a year, whilst for the years 1820 and 1821, it was 1,353,501*l.* being 98,823*l.* a year more for the two last, than for the three former years.

No. 38.—Comparative Statement of the ORDNANCE ESTIMATES laid before Parliament for Five Years, from 1817 to 1821, both Years inclusive.

—	1817.	1818.	1819.	1820.	1821.
	£.	£.	£.	£.	£.
Ordinary Estimates............	538,176	589,576	527,397	548,305	547,766
Extraordinary Do.	211,784	244,893	220,825	280,390	271,524
Ireland	144,926	115,610	101,009	111,986	111,837
Half-Pay, Military	255,560	255,209	293,690	333,584	313,703
Superannuated, Civil	33,508	34,292	38,984	40,589	42,227
Expenses of Reduction	50,000	—	10,000	5,000	—
Unprovided of former Years	50,081	28,419	20,095	60,148	40,342
Total Estimates.......	1,284,035	1,267,999	1,212,000	1,380,002	1,327,000
Deduct for New and Old Stores Sold	53,000	118,000	112,000	285,000	232,000
Nett Amount of Estimate .... £.	1,231,035	1,149,999	1,100,000	1,095,002	1,095,000

Annual Amount of Estimate, on the Average of 1817, 1818, and 1819...£.1,254,678
Do. - Do. - Do. - - - Do. - 1820 and 1821 1,353,501

The average Estimates for 1820 and 1821 are higher than for those of 1817, 1818, and 1819 .... £.98,823

To show the enormous scale upon which the Ordnance department was now carried on, he had only to state that the average expenditure for 1790, 1791, and 1792, was 493,042*l.* a year; whilst, by the Annual Finance Accounts, the actual expenditure on the average of the last four years was 1,447,206*l.*

No. 39.—Statement of SUMS Voted by Parliament for the ORDNANCE of GREAT BRITAIN, in the Years 1790, 1791, and 1792 (Ireland not included.)—[*Vide* 21st Finance Report, Appendix.]

	1790.	1791.	1792.
	£.	£.	£.
Ordinary Estimates	219,757	221,271	221,272
Extraordinary Do.	198,451	160,498	156,626
Sea Service	52,000	62,400	41,600
Unprovided of former Years	39,240	61,908	44,103
Total in each Year	509,448	506,077	463,601
Average of these Three Years	£.493,042		

N.B. The Expense of the Armament of 1789, is not included in the Charge for 1790, and the Charge for Ireland was £.22,000.

No. 40.—Account of the Actual Disbursement for the ORDNANCE of the UNITED KINGDOM, as submitted to Parliament in the Annual Finance Reports for the following Years.

	1817.	1818.	1819.	1820.
	£.	£.	£.	£.
For Services at Home	1,248,218	1,076,940	1,177,965	1,125,434
Do. - Abroad	40,170	238,709	231,025	158,999
Do. - in Ireland	152,687	92,308	129,219	117,151
Total in each Year	1,441,075	1,407,957	1,538,209	1,401,585
Annual Average of Four Years	£.1,447,206			

One extraordinary circumstance he must notice, that the actual disbursements for the Ordnance, on an average of the last four years, exceeded the estimates voted by parliament to the amount of 644,790*l.*

No. 41.—Comparative Statement of the ESTIMATES for the ORDNANCE of the UNITED KINGDOM, Voted by Parliament in the Years 1817, 1818, 1819, and 1820, and the Amount stated to have been actually Expended in these Years.

	1817.	1818.	1819.	1820.	TOTAL.
	£.	£.	£.	£.	£.
Amount of Annual Estimates Voted by Parliament	1,284,035	1,267,999	1,212,000	1,380,002	5,144,036
Amount actually Expended, as per Annual Finance Account	1,441,075	1,407,957	1,538,209	1,401,585	5,788,826
More Expended than Estimated	157,040	139,958	326,209	21,583	644,790

This he considered to be highly objectionable, as, in fact, it nullified the power of the House to control their expenses. If the actual disbursements were not made to agree, or nearly so, with the votes of this House, for what purpose were any Estimates submitted to it? He had asked for information on this subject from the hon. the clerk of the Ordnance (Mr. Ward), but had received no sufficient explanation. He would now notice some of the large establishments and high salaries, which accounted for the great increase of the Ordnance expenses. The total expense of the Tower and Westminster establishments, for example, in 1792, fees and gratuities included, was 18,726*l.* and in 1821, it was 65,804*l.* being an increase of 47,078*l.* He had in his hand a few of the particulars which explained this great difference.

No. 42.—Comparative Expenses of some of the Establishments of the ORDNANCE in 1796 and 1821, Fees included, in the TOWER and WESTMINSTER Establishments.

	1796.		1821.	
		£.		£.
The Master General		1,560		3,239
Lieutenant General		1,125		1,592
Surveyor General		825		1,262
Storekeeper		964		1,522
Treasurer		585		1,265
Secretary to the Board		557		1,695
Superintendent of Shipping		200		827
The Under Secretary and Clerks under the Master General		365		1,387
Under the Surveyor General	14 Clerks	2,020	48 Clerks	10,621
Under the Clerk of the Ordnance	15 Do.	2,230	31 Do.	6,091
Under the Principal Storekeeper	12 Do.	1,440	18 Do.	5,619
Under the Clerk of Deliveries	8 Do.	910	16 Do.	3,857
Under the Treasurer	10 Do.	1,203	12 Do.	3,354
Under the Secretary to the Board	7 Do.	833	30 Do.	10,311
Porters and Messengers		819		1,964

It had been recommended to incorporate the Tower and Westminster establishments; and, from what he had been able to learn, he had no doubt that might be done, with advantage to the service, and with a saving of 20 or 30,000*l.* a year. At Woolwich the Inspector and Royal-carriage department had increased from 2,153*l.* to 4,236*l.* a year. The Storekeeper's department from 1,023*l.* to 3,117*l.* The Artillery department from 97,501*l.* to 346,973*l.*, being an increase of 249,471*l.* since 1792. Whether so large an establishment of horse and foot artillery, of drivers, &c. were requisite, he would not at present question; but if the 9 battalions of 8 companies each, were formed into 6 battalions of 10 companies each, as they were in 1792, the saving by the reduction of the staff of the three battalions would alone be upwards of 25,000*l.* a year. He could see no objections to this reduction, if any sincere desire for economy existed. There was a charge of 26,091*l.* for extra and staff allowance to officers of the royal artillery and engineers, which ought also to be much reduced.

No. 43.—Comparative Statement of the Effective Strength of the ROYAL REGIMENT of ARTILLERY, in 1792 and 1821, showing the Numbers and the Expense at each Period.

ROYAL REGIMENT OF ARTILLERY, 1792.

	Battalions.	Companies.	Officers.	Non-Commissioned Officers and Privates.	Total No.	Total Expense.		
						£.	s.	d.
Foot	4	40	232	2,600	2,832	81,273	6	8
Invalids	1	10	33	463	496	15,634	3	4
				Total...........	3,328	96,907	10	0

MEDICAL DEPARTMENT.

1 Surgeon General, per Annum	£.146			
4 Surgeons Do. - -	438			
5 Total		594	0	0
Total............		97,501	10	0
Increase of Charge for the Establishment in 1821, more than in 1792		249,471	10	0
		£.346,973	0	0

ROYAL REGIMENT OF ARTILLERY, 1821.

	Battalions.	Companies.	Officers.	Non-Commissioned Officers and Privates.	Total No.	Total Expense.		
						£.	s.	d.
Foot	9	72	460	5,112	5,572	266,817	0	0
Horse........	6	—	40	490	530	45,810	0	0
Drivers	4	—	23	407	430	24,211	0	0
					6,532			
				Invalids......	137			
				Total No.	6,669			

MEDICAL ESTABLISHMENT.

1 Director General........................				
1 Surgeon Do. -				
1 Assistant Do. Do.				
1 Resident Surgeon				
1 Regimental Do.	....	8,778	0	0
10 Do. - Do.				
1 Apothecary				
15 First Assistant Surgeons				
11 Second Do. - - Do.				
42 Total	Increase of Pay to the above......	1,357	0	0
	Total......	£.346,973	0	0

The charge for Medical establishments included in the Artillery department, had increased from 594*l.* in 1792, to 10,135*l.* in 1821, an increase altogether disproportionate to the increase of the men; and many of the 42 surgeons and assistants now belonging to the artillery, might, as formerly, be dispensed with. The board, consisting of a director-general, surgeons, &c. was new since 1792, and appeared altogether unnecessary in the scattered state of the artillery, when there was a general medical board for the army kept up at so great an expense. One board was fully sufficient, and might do the duties of both. The extravagant charge for Ordnance Craft of 15,875*l.* and upwards, he considered to be money entirely thrown away, to support the parliamentary patronage of that department, at Queenborough. He had, however, separately brought that before the House, and only regretted that they had not supported him in the motion he then made, which would have saved much to the country, besides doing away with the improper influence which that expenditure supported.

The system of Gratuities in the Ordnance had been carried much beyond the greatest extravagance in other departments; and, although strongly disapproved of in 1817, by the Finance Committee, had gone on progressively increasing to such an extent, that a clerk, after one years service, received a gratuity, increasing every year, until, in many cases, the amount exceeded that of the salary. These gratuities intended for extra duties and services, were begun in war, and ought to have ceased with it. In 1796, the total gratuities paid in the Ordnance were 2,324*l.* In 1813, they had increased to 9,628*l.* and are now 30,000*l.* a year. The House would judge better of the excessive profusion in these gratuities, when they knew that in nine years of war, from 1807 to 1815 inclusive, the whole amount paid in gratuities was 49,248*l.*, and from 1816, to 1821, six years of peace, it was 168,226*l.*

No. 44.—ORDNANCE GRATUITIES,

Amounted from 1807 to 1812 to...	£8,565
Do. - - Do. - - 1813.......	9,628
Do. - - Do. - - 1814......	10,343
Do. - - Do. - - 1815......	20,712
	£49,248

in nine years of extensive war.

And in 1816..........................	24,966
Do. - - - 17..........................	27,000
Do. - - - 18..........................	29,000
Do. - - - 19..........................	27,260
Do. - - - 20..........................	30,000
Do. - - - 21..........................	30,000
	£168,226

Throughout the whole Ordnance department a scale of expense altogether unparalleled prevailed. He knew of no circumstances to warrant such an increase, and he had, therefore, endeavoured (though without success), to persuade the House to reduce 216,691*l.* from the Estimates of this year, namely, 15,818*l.* from the Tower and Westminster establishments, 139,193*l.* from sundry charges in the ordinary estimates, and 77,500*l.* from the extraordinaries. The more he reflected on these proposed reductions, the more he was convinced that, by economy and proper regulations, retrenchments, even exceeding that amount, might be easily made.

In the Miscellaneous Estimates he had proposed considerable reduction, and he was confident the necessity of these retrenchments would be felt before they met again. The offices of the Secretary of State and of the Treasury required revision. The expenses of the Treasury for salaries and incidents was in 1796, 40,764*l.* and it now was 68,854*l.* By the orders of council of 1795, the establishment of the office of the Home department was fixed at 15,415*l*; it was this year 32,518*l.* The charge of the Foreign office, by the same order, was fixed at 15,165*l.* the expense, including messengers, was now 62,356*l.* The Colonial office was new since the last peace, and its expense amounted to 27,818*l.* this year, viz. 14,720*l.* for salaries, 10,520*l*, for contingencies, and 2,616*l.* for pensions. In the same manner the charges of all the public offices were nearly doubled since 1792. The charge of 40,000*l.* for the Board of Works required minute examination, because the manner in which business was performed by that department, he had reason to believe, was far from correct.

The general law charges of 25,000*l.* with 8,000*l.* for prosecutions relating to the coin, and a separate charge for law proceedings in each department of the state appeared to him enormous.—The expenses at Sierra Leone, on the African coast, in Canada, &c. were more than we could afford, or than these colonies were

worth to us.—The charge of 5,135*l.* for the Alien office ought to have been altogether refused.—The new establishment this year of 8,400*l.* for the Insolvent Debtors Court, of which three judges received 5,000*l.* in salary, &c. appeared to him an outrage, at a time when the expense of all the courts ought rather to have been reduced.

The charges under the head of Civil Contingencies were, in many instances, equally improper. Although the allowance of 850,000*l.* might be deemed ample for the Civil list, various sums were charged in the Miscellaneous and Civil Contingencies, which properly belonged to the former, viz. 2,385*l.* for Messengers bills in the Lord Chamberlain's department of his majesty's household, pensions to Consuls and 62,074*l.* for our Ambassadors foreign at courts, presents, &c. By the Civil-list 226,950*l.* was appropriated to defray all the expenses of Ambassadors, Consuls, &c.; but, by the addition of such large sums as those, the charge to the public was increased to upwards of 300,000*l.* for those appointments, a sum which he considered by far too large, under any circumstances of the country, but particularly at the present time; and he must here observe, that the manner in which all these expenses were incurred, before receiving the sanction of the House, was very objectionable. From the whole of these Miscellaneous charges and Civil Contingencies in this year, parliament might have reduced upwards of 250,000*l.* without detriment to the public service.

The hon. gentleman then adverted to the great advantages which the country might gain from an improved method of collecting the revenue. He recollected that in June 1819, when the chancellor of the Exchequer came down to impose 3,000,000*l.* of new taxes upon the people (for the purpose, he supposed, of alleviating their burthens), and promised that, if they were granted to him, he would have a constant sinking fund of 5,000,000*l.*, his hon. friend, the member for Abingdon, said, that the right hon. gentleman would not have a constant sinking fund of 1,000,000*l.*; even though the House should grant him taxes to the amount of 10,000,000*l.*, as establishments would be kept up equal to whatever income might be received. He put it to the House to determine which of the two, the right hon. gentleman or his hon. friend, had been the most correct in the assertions which they respectively made. There could not be a doubt on the question; for the right hon. gentleman, instead of having a sinking fund of five millions, had admitted that in the last year there had only been a surplus of 950,000*l.*; but, in consequence of his unpaid debt to the East India Company, the Bank of England, and other claimants, he was actually 3,300,000*l.* worse than nothing. The House must be convinced, from the manner in which the motion of his hon. friend, the member for Abingdon, "For improving the mode of collecting the revenue," was received by the right hon. gentleman and his colleagues, there was no possibility of compelling them to assent to any reduction, but by refusing them the means to support their extravagance. Out of a revenue of 67,000,000*l.* 4,365,000*l.* was paid for the mere collection of it. He was confident that upwards of 1,050,000*l.* might be easily saved out of that sum. The Receivers-General of land and assessed taxes, for example, under the present system, received 41,900*l.* from a poundage upon the revenue collected, the interest upon the permanent balances left in their hands amounted, at 5 per cent, to 18,000*l.* the interest for two months upon the current balances amounted to 58,000*l.* a-year; so that the present annual expense of the Receivers-General was 117,900*l.* A committee of that House had reported their opinion, that 44 receivers, with salaries not exceeding 600*l.* a-year each, could perform the duty, as well as the present receivers with their overgrown emoluments. Calculating the salaries of the present number of 65 receivers-general upon the reduced scale for the future, the expense to the country would only amount to 39,000*l.* to which, even if 3,250*l.* were added for incidental expenses, there would still be a saving of 75,650*l.* in this branch of the revenue alone.

No. 45.—Comparative Estimate of the EXPENSE of the RECEIVERS GENERAL of the LAND and ASSESSED TAXES in ENGLAND, now, and what the Select Committee of the House of Commons have recommended in their Report.

The Poundage now Paid to 65 Receivers General, Amounts Yearly to	£.41,900	
The Interest on £.367,000 of Permanent Balances left in their hands at 5 per cent	18,000	
Do. - Do. on Current Balances equal to Two Months on the whole Amount of £.7,898,896	58,000	
Total present Expense		117,900
Estimate for 65 Receivers General, at £.600 per Annum	39,000	
Expense for Bonds, Audit, and Incidents	3,250	
Total estimated future Expense		42,250
Being a Saving of		75,650

And the Patronage of 65 Sinecure Places.

Whenever the number of Recivers General should be reduced to 44, as recommended by the committee, the annual saving would be 68,250*l.* a-year, instead of 75,650*l.* Whilst upon this subject, he could not help observing, that he had heard with regret, that, notwithstanding the unanimous recommendation of the Committee, that this reduction should be immediately made, his majesty's government had no intention of carrying it into effect till next year. They pretended that the alteration recommended could not be carried into effect without a new act of parliament, and that it was now too late in the present session to introduce one. This was a strange argument in the mouth of those ministers who, since the report of that Committee, had brought into the House, and hurried through its several stages, the bill to increase the duke of Clarence's income. It should seem that measures of reduction alone, required the deliberate consideration of the legislature.

In the course of the session he had also shown how 40 or 50,000*l.* might be saved from allowances given to the distributors of stamps, and in a manner which did not require the sanction of an act of parliament, but merely an order of the lords of the Treasury.—Instead of 4 and 6 per cent now allowed, 1½ or 2 per cent would be quite sufficient, as distributors did not allow a greater per-centage to their deputies, who, in general, did all the business. He was indeed prepared to show that the whole department of Stamps required much revision, the particulars of which he hoped to be able to submit to the consideration of the House in the next session. The collection of the land and assessed taxes in Scotland and Ireland, cost the country sums equally extravagant. Complaints had been made on the subject from Scotland, and he had moved for returns, which showed that these complaints were well-founded. The charge of 17,000*l.* on the collection of 509,000*l.*, in 1809, was this year increased to 39,000*l.* In Great Britain the charge for collecting the Customs was, by the Finance Accounts 6*l.* 4*s.* 3*d.* per cent in 1806, and in 1820 it was 12*l.* 2*s.* 6*d.* The amount of the nett produce remaining nearly the same, it was evident that the burthens of the people were increased in this instance merely to extend the patronage of ministers. The same extravagance was observable in Ireland, where, in 1806, the Customs and Excise were collected at 9*l.* 18*s.* 1¾*d.* per cent, and in 1820 at 20*l.* 18*s.* 7¾*d.* per cent.

No. 46.—Comparative Statement of the AMOUNT and EXPENSE of Collecting the CUSTOMS in GREAT BRITAIN and IRELAND, in the Years ending 5th Jan. 1807, and 1821.—[From the Annual Finance Accounts.]

	Nett Produce applicable to National Objects and to Payments into the Exchequer.	Amount of Charges of Management.	Rate per Cent. on the Nett Receipt.	Rate which these Sums properly give.
In Great Britain.	£.	£.	£. s. d.	£. s. d.
On 5th Jan., 1807, Customs.......	10,553,293	655,603	6 4 3	—
On 5th Jan., 1821, - Do. -	9,337,169	1,097,774	12 2 6	11 15 1¼
In Ireland.				
On 5th Jan., 1807, Customs and Excise....	4,369,541	351,655	9 18 1¼	
On 5th Jan., 1821, Do. - Do. -	3,118,136	652,641	28 5 2C. 16 13 1E.	20 18 7¼

With regard to the salaries of all Civil Officers, and contingent expenses, in Great Britain, he had to complain of similar extravagance and recommended similar reductions. There was an increase of 106,000*l.* in 1819, a decrease of 58,000*l.* in 1820, and of 64,000*l.* in 1821, and thus 16,000*l.* was all the saving that had been made in the last three years in 67 public offices of Great Britain. Upon the whole he ventured to affirm that upwards of 1,050,000*l.* might be saved by a change in the mode of collecting and management of the revenue. Having thus, as shortly as he was able, stated to the House the several sums that might have been reduced from the Estimates of the several departments this year, amounting in the whole as appeared by a statement he had in his hand, to near 4½ millions, he hoped the House would support the motion he had to submit to them, to request his majesty to direct every reduction he may find practicable in the expenditure of the state.

No. 47.—Reductions proposed by Mr. HUME and other Members, in the ESTIMATES, this Session.

ARMY.

To reduce 20,000 men, Household Troops and troops in the Colonies		£. 753,955	
Army extras, one-third of 934,911		300,000	
			£.1,053,955
By reducing 93 Regiments of 650 men to 75 Regiments of 800 each			211,000
Do. - Do. - Barracks (England)		80,000	
Do. - Do. - Do. - (Ireland)		40,000	
			120,000
Do. - Do. - Commissariat, England and Ireland			115,000
Military Staff, Great Britain and Colonies	£.105,943	to reduce	10,943
Do. - Irish Staff	26,538		6,538
Commander in Chief's Office	14,474		4,000
War Office	51,000		10,000
Adjutant General's Office	6,844		1,500
Do. - Do. - (Scotland)	900		351
Quartermaster General	4,692		1,500
Do. - - in Scotland	922		622
Judge Advocate General	5,180		2,180
Do. (Scotland)	650		650
Comptroller's Office	12,642		4,600
Medical Staff	5,614		2,200
Public Departments (Ireland)	10,518		3,500
Volunteers and Yeomanry (England)	170,000		20,000

Volunteers and Yeomanry (Ireland)	19,023	9,000
Military College	16,915	7,244
Do. - Asylum	36,000	12,000
Foreign Half-pay Agency		2,025
Garrisons Abroad and at Home	34,000	12,449
Recruiting	50,000	20,000
Veteran Battalion Officers		18,870
Kilmainham and Chelsea Hospital Establishments		10,000
Retired Allowances	40,000	8,000
Total for the Army		1,663,127

Navy Establishments £.1,225,629¼ of £.925,629		251,407	
Building Ships	1,094,540	550,000	
Works in Dock Yard	424,648	357,136	
			1,108,543
Ordnance.—Tower Establishment £.65,804 to reduce 15,818			
Sundries Total Ordinary	547,766	139,191	
Extraordinary £.271,124	¼	77,500	
			216,691
In the Miscellaneous Items of £.2,444,100 might be saved			250,000
To be saved in the Collection of the Revenue			1,050,000
Total Reduction			£.4,288,361

If such recommendations were adopted, we could immediately afford to repeal some of those taxes which were most expensive in the collection, and pressed most heavily on the labouring classes; such as those on soap, candles, leather, and salt of which the gross charge to the country was 3,715,428*l.*, the nett amount received into the Exchequer was 3,355,201*l.* in the last year.

No. 48.—Amount of the REVENUE derived from the EXCISE in the Year ending 5th January, 1821.

	On Salt.	On Leather.	On Soap.	On Candles.	Total.
	£.	£.	£.	£.	£.
England	1,501,590	605,894	958,621	356,847	—
Scotland	101,876	55,906	115,794	18,900	—
Total Gross Receipts	1,603,466	661,800	1,074,415	375,747	3,715,428
England	1,450,562	540,012	835,816	293,042	—
Scotland	78,681	45,128	96,298	15,662	—
Nett Receipt in the Exchequer	1,529,243	585,140	932,114	308,704	3,355,201

In Ireland no Duty on Salt, Soap, or Candles, appear in the Excise; on Leather Nett Produce, £.34,166.

Would not relief like this be a great boon to the people? and such a boon it was still in the power of the House to grant; for hon. members ought to recollect, that as the Appropriation bill was not yet passed, their previous votes had not finally disposed of the public money. He could not conclude without adverting to the enormous amount of the Civil List, and calling upon ministers to advise their royal master to imitate the sovereigns on the continent, who had surrendered a part of their incomes, in consideration of the distresses of their people. The situation of the country called for similar sacrifices. Some great measure of economy was necessary to relieve the distress and to support public credit. A reduction of taxation could alone give effectual relief, and support the national credit.

He would add, the more money that was left in the pockets of the people,

the stronger would be the government, and the more secure the public credit [Hear, hear!]. With a government disposed to lighten the burthens of the people, half the Excise and Custom officers, and half the military force at present employed would be sufficient [Hear, hear!]. If ministers, then, and their friends were sincere in their professions of economy, he would rely on their support to his motion. By adopting or rejecting the pledge which it implied, their real intentions in this respect would be ascertained [Hear, hear!]. The hon. gentleman concluded, amid cheers, by moving the following Resolution:

"That an humble Address be presented to his Majesty, humbly to request that, with a view of affording relief to the Country from a part of its burdens, he will be graciously pleased to direct that a minute Investigation be instituted into the Mode and Expense of the Management and Collection of the several Branches of the Revenue; that a careful Revision be made of all Salaries and Allowances, especially of those which have been increased since 1797, in order that they may be adjusted with reference to the increased Value of the Currency, and to the distressed circumstances of the Country; that a vigilant superintendence be exercised over the Expenditure of the Country, in all its Departments, in order that every Reduction may be made therein, which can be effected without detriment to to the public Interest, and in particular in the Number of the Army, and the Expense of its Establishments."

The Marquis of *Tavistock*, in rising to second the motion of the hon. member for Aberdeen, begged leave to offer him his sincere thanks for the constant attention which he had paid during the present session to the Estimates of the country, and to the zeal, ability, and perseverance with which he had endeavoured to effect a reduction of the public expenditure. He was persuaded that, in offering this testimony of his gratitude, he only echoed the sentiments of the people of England for the hon. member for Aberdeen, by the conduct which he had pursued during the session, had firmly rivetted himself in their confidence and esteem [Hear, hear!]. Having done this act of justice to the hon. gentleman, he must be excused for saying that he entertained those sentiments for him personally. He could not but regret the necessity the hon. member was under of bringing all these minute details of the Estimates before the House. This was a new feature in the proceedings of that House. They appeared to be deviating widely from the common and ancient usage of parliament; and he was not one of those who wished to see that House assume the functions of the executive government. At the same time, if the government did not possess the confidence of the country—if his majesty's ministers were determined to resist every proposition in favour of economy—if they showed no disposition to meet the wishes or relieve the burthens of the people, he saw no other course but that which had been taken by the hon. member for Aberdeen, with so much ability and credit to himself. That course served at least to show, if any thing were wanting to open the eyes of the country, how useless it was to attempt to strike off a single shilling from any Estimate, how ever extravagant, if ministets thought fit to lay it before them. He trusted the hon. gentleman, after the experience of this session, would not think it necessary to waste his time and constitution by attempting to make any impression upon that House. Perhaps the distresses of the country, if not the exertions of the hon. gentleman, might produce a change calculated to restore the happiness of the country. While the country continued to groan under the pressure of an enormous standing army kept up in time of peace for the avowed object of keeping the people down, under the pressure of the Customs and Excise, and four millions paid annually for the mere collection of the revenue (a larger sum than the amount of the whole interest of the national debt at the commencement of the late reign) it was quite madness, except in the event of some great calamity, to expect any thing but a majority in favour of ministers. The ties of gratitude alone, which always would, and ought to have their influence, were sufficient, independently of motives of self-interest, to secure such a majority. So long as the present system continued, he never expected to see a House of Commons that would satisfy the people. So strongly was this feeling impressed upon his mind, that he should not consider himself as acting either an honest or consistent part, if he ever again spent a single shilling to obtain a seat in that House. [A laugh]. He ought perhaps, to apologise to the House for introducing that

which could only be of personal interest to himself. After resisting every proposition for retrenchment which had been made during the session, the noble lord's friends seemed at last to be turning round, and began to talk of granting boons to the country. This was a course for which the noble lord had but little reason to thank them; since, after encouraging him to bring forward the Estimates, they were now ready to withhold from him the means of providing for them. He congratulated the noble lord, however, upon the new tone which he had himself assumed: it was certainly a change for the better; for the House must remember when the noble lord, in the plenitude of his power, reproached the people with an ignorant impatience of taxation. Among all the unjustifiable measures of the present day, none was more repugnant to the true spirit of the English constitution than the constant employment of the military, and the practice of arming one part of the community against the other upon all public occasions. Feeling as he did upon this subject, it was not without deep regret that he had heard a rumour that his majesty had been advised to encompass the metropolis with a large military force previously to the approaching coronation. Was this the way to treat the people of England? Was this the way to secure their confidence? In the name of common sense why were they to be treated as foes upon all public occasions, as if they were likely to rise up against the government? He was not prepared to contend that it had not been customary in former times to employ the household troops for the sake of parade on occasions of public solemnity. But whole regiments were said to be moving from Canterbury, Brighton and other parts of the country, to be stationed round London. Nor was this all, but the yeomanry cavalry were to be brought up from the country to their great inconvenience and loss at this busy season of the year. This course might, in strictness, be justified by the ordinary practice, but what he objected to was the principle of employing the military as a body of police upon all public occasions. When was it deemed necessary in former days, to protect a king of England against his subjects, on the occasion of his coronation? Lamentable, indeed, must be the condition to which ministers had reduced the country, if their measures had rendered it absolutely necessary, on such an occasion, to protect the sovereign against his people. He would not believe it to be necessary; for the people of England were distinguished above all people in the world for a loyal and zealous attachment to the person of the sovereign. Notwithstanding the strong feelings which had been excited in the country by the late proceedings against her majesty, they still retained that attachment. The noble lord at the head of the home-department mistook the character of the people, if he thought it necessary, on such an occasion as the coronation, to display his vigour by marching troops from all parts of the kingdom, as if a rebellion menaced the throne, or a foreign enemy had landed on our coasts.

Mr. *Bankes* believed it to be usual, on all occasions of public solemnity, to employ a large number of troops, as a matter of parade. With regard to the other observations which had fallen from the noble lord, he thought the noble lord had assumed a tone of despondency and reproach which did not come very graciously from a member of that House, who was almost in the dawn of life. The hon. member for Aberdeen had pointed out a great number of points in which, as he contended, large savings might be made; but he appeared to have forgotten that the House had already, in most of those points, decided against him [Cheers from the Opposition.] He believed, that of those gentlemen who were now cheering, not one in ten had made himself master of the items on which the hon. member for Aberdeen had insisted, and of those who had, not one in ten really believed the proposed reductions to be practicable. It was holding out a false expectation to the country to say, that four millions might be saved. He thought it also objectionable that the hon. gentleman should have taken away the credit due to ministers for the reductions which they had made this year, as compared with the expenditure of the last. It was true he could have wished that they had advanced more rapidly in the process of reduction; but still they were entitled to credit for what they had done. Besides, the hon. gentleman, whose industry no one could doubt, must have been aware that a commission had been employed for a long while in inquiring into the department of the Customs with a view to reduction. The recom-

mendations of this committee, had already effected a considerable saving to the public, which was likely to be followed up by more; so that no indisposition could be imputed to government to promote the objects of economy. Still, however, he thought it would not be right, under the present circumstances of the country, to rely upon the promises of any man, or set of men, and therefore he was of opinion, that the House ought to address his majesty, praying for the adoption of such measures as, in their judgment, the situation of the country appeared to require. If the House should concur with him in the views he had taken of the subject, the hon. gentleman would probably relinquish his own motion, in order to meet the general feeling. He would therefore conclude with moving, as an amendment, "That an humble Address be presented to his majesty, to assure his majesty, that we have regarded with satisfaction the measures which have been taken by his majesty's commands for a general revision of the department of the Customs in Great Britain; and to intreat his majesty to give directions that a similar investigation may be extended to all the other branches of the revenue, in order to render its collection more economical, and its management more efficient; that, for the purpose of affording a further relief to the country, his majesty will be pleased to order a minute inquiry into the several departments of the civil government, as well with a view to reducing the number of persons employed, in those departments, which, from the great increase of business, were augmented during the late war, as with reference to the increased salaries granted to individuals since the year 1797, either in consideration of the additional labour thrown upon them during that period, or of the diminished value of money:—and further, that his majesty will be graciously pleased to direct that every possible saving which can be made, without detriment to the public interest, shall be effected in those more extended establishments which the country is obliged to maintain for the safety and defence of the united kingdom and its dependencies, and more especially in the military expenditure, by a reduction in the numbers of the army, and by a constant and vigilant superintendence over that and all the other departments connected with the application of the ample supplies granted by this House."

Mr. *Gooch* was anxious to bear testimony, as chairman of the agricultural committee, to the spirit of economy and retrenchment which pervaded their inquiries. He preferred the address proposed by the hon. member for Corfe Castle to that proposed by the hon. member for Aberdeen, because the latter was expressed in a tone of censure against ministers, which he did not think they deserved. He was of opinion at the same time, that ministers ought to have commenced the reductions earlier: they had taken the subject up now, and he was sure they had done so with sincerity. The address which attached censure to ministers, could only be considered as a party question; and as he would rather have the present ministers in place than their opponents, he would resist the motion.

The Marquis of *Londonderry* said, that in rising to trouble the House upon the present occasion, he hoped they would allow him to indulge in a few preliminary observations in explanation of the general view which he meant to take of the course pursued by the gentlemen opposite: and he should in the first place consider himself to be one of those visionary politicians whom he wished to decry, if in throwing himself upon the candour of the House, for that constitutional confidence which as a member of his majesty's government he hoped he deserved at their hands, he should for a moment be considered as denying the right to call upon administration for an explanation of what his majesty's government had already done, or meant hereafter to do, in the reduction of the public expenditure. Still, however, in stating the conduct of the administration to which he had the honour of belonging, he should deservedly incur the charge of being a great hypocrite, if he said that he expected from some of the gentlemen opposite any candour in their estimate either of what had been done, or was in progress of being done, by his majesty's government. He did not mean to impute individually to those who contended, he hoped in an honourable struggle, in opposition to the measures of government, any particular want of candour: but the fact was, that they were, as a party, so accustomed to look with a jaundiced eye at every thing which was done at his side of the House, that if he and those with whom he acted were to wait either for their praise or even

their justice, they would have to wait long enough for the exhaustion of all human patience. The noble marquis opposite had talked of the power which he said that he wielded from his influence in that House. Now, he could assure the noble marquis, that he felt chiefly indebted for what he was pleased to call his power to another source—he felt indebted for all the power he possessed to the noble marquis opposite and his party; for it was they who had rivetted his power by satisfying the public by their own conduct that it could not be safely intrusted to their hands. The noble marquis opposite and his party had satisfied the public of that fact long ere now; they had shown it when they had to float in the ordinary tide of public events—a tide far less rapid than that in which the administration of which he was but an humble member had to steer the vessel of the state, and when it was exposed to storms less terrific than those which the present government had to encounter. If it were not for that experience which the gentlemen opposite had as a party afforded the country, his power, and that of the administration of which he was but an humble instrument, would have long since been wrested from them. If he perceived any tincture of despair in the mind of the noble marquis —a despair, too, which seemed to increase in proportion as the noble marquis receded from the business of that House—he could assure the noble marquis that he attributed that tone of despondency not so much to his own feelings as to the influence of his party and the practice of the school which he followed. There was something not a little remarkable in the mode of proceeding adopted by the gentlemen opposite. When that House listened not to their foreboding voice, the noble marquis and his friends relinquished their parliamentary attendance, and in a languishing tone supposed the ruin of the country. If, however, at any moment of their career, the gentlemen opposite succeeded in having their voices listened to by parliament,—if they could be allowed to labour in the vineyard—then indeed the country was safe, and the gentlemen opposite were as insensible to the supposed abuses, the existence of which they now so vehemently proclaimed, as any other class of men in the community. Thus far his allusion applied to the noble marquis and his friends of the party. But there was another class of gentlemen on the benches opposite, to which he was uniformly opposed, and from whom he could never expect to receive any quarter. He meant that class of projectors, who took their stand upon ground peculiarly their own, who derided all practical retrenchment as inadequate and inefficient, who ridiculed all reasonable attempts to meet the public wishes, —a class which must, from the nature of the position which they took, be always in advance of any government not ready to go along with them in attempting to realize expectations which they must themselves know to be impracticable. These gentlemen placed themselves far above the reach of conviction; they were always therefore in advance of the government, and could never be reached by the adoption of a practical course. He had great respect for the hon. member for Aberdeen: he admired his industry, but unless the hon. gentleman were the Deity instead of being but a laborious individual, it was physically impossible that he could have exercised a sober or sound judgment upon the mass of complicated details which he had in his speech presented to the consideration of the House. The hon. gentleman was like one of the great philosophers of the modern school, who showed that nothing was so easy as to pull down an edifice, to attack a constitution, to cry down any administration, by bringing to bear against them in the public eye a great mass of details which had a showy appearance, but which, it was impossible for any human intellect to comprehend at one view, or indeed to enter upon hastily, without becoming involved in the greatest confusion. It was very easy to bring down to that House a mass of papers so composed, and upon them to found a charge of not practically keeping pace with the imaginary reflections of the bearer of them. In what he said, he did not wish to undervalue the labours of the hon. gentleman; they did him great credit as an individual, and no doubt, in course of time, he would become a valuable acquisition to that House. Indeed, he looked forward to his exertions with a different feeling than the noble marquis opposite seemed to do; for he hoped to see the hon. gentleman resume his labours, as he had promised next session, instead of attending to the jaundiced recommendation, and yielding to the hypochondriac disposition of the noble marquis, which must, if acted upon, be so prejudicial to the

best interests of the country. He believed that notwithstanding the heavy gloom which oppressed the political prospects of the noble marquis, the progressive proceedings of his majesty's government in reducing the public expenditure, would satisfy every reasonable individual in that House and the country, and that the public would not be led away by loud assertions to expect impossibilities, or ascribe, either to the agency of his majesty's ministers, or parliament, evils which it was beyond the reach of either to remedy. The people, he had no doubt, would respect parliament and confide in the wisdom of their deliberations, in preference to the declarations of impractical reductions. He must say this on the behalf of the people of England, that he could not name one moment in their history of late times, in which the country was more tranquil than it was at present. In all the parts some time ago disturbed, there was now a repose and calmness; there was, he believed, more good humour and undivided comfort and happiness now prevailing throughout the country, than could be remembered almost at any former period. He denied that any precautions were necessary to ensure public respect for the sovereign of the country: the manner in which the king had been received by his people, wherever he had shown himself, sufficiently contradicted the idea that any precautions were necessary. He could assure the noble marquis, that on the day when the sovereign entered into the great convenant with his people, according to the solemn forms prescribed by the constitution, his majesty would find in the affections of his people, all the protection and reverence which his person required on such an occasion; and he must protest against the noble marquis's interpretation from the ordinary circumstances which attended the arrangements for a coronation—a spectacle which always in some degree partook of military array—that there was even any ground in the military preparations alluded to for supposing that they were intended for the protection of his majesty, rather than as a part of the formal arrangements required by the nature of the ceremony.—On the subject of the address of the hon. member—he had no hesitation in saying, that he agreed to its principle: indeed, so far as the principle went, he saw no difference between the original address and the amended one. But he thought it due to the intentions of his majesty's government to call on the members of the agricultural committee in particular, to say whether there was any part of the report of that committee the necessity of which ministers pressed more strongly for adoption, or to which they wished to give so strong and decided a colour as that which urged the necessity of adopting a sound, constitutional, and practical economy in the public expenditure. Having expressed his opinion that the principle of both addresses was the same, he should now state his reasons why he selected one of them in preference to the other, and more especially taking one of them with the commentary of the hon. member's speech in proposing it. The avowed object of the hon. member was economy; but in proposing his address he showed himself to be in his heart at war with the present government, and anxious to impress the public mind with the notion that he and the party to which he belonged could alone secure adequate retrenchment for the country. Therefore the hon. member must allow him to say, that the tone he had assumed, and the sentiments avowed by those under whose auspices he acted, and who, whether in retirement or in active service, maintained alike the same spirit of hostility to his majesty's present ministers—he must allow him to say, that such a temper and feeling, connected with the original address, must be considered as making it rather an attack upon the government in the shape of political hostility, than an appeal to them upon points of retrenchment. Entertaining this view of the motives which dictated the original address, he preferred adhering to what he must consider to be the sound address which incited, and pressed, and aroused the House to pursue such retrenchments as might appear practicable. With respect to what government had already done in the way of retrenchment, he was not prepared to speak in detail; but he could safely affirm, that they had taken the necessary steps for every real retrenchment. Every successive year since the peace ministers had gone on adopting the utmost principles of reduction. He knew, indeed, there were some who thought it extremely easy to effect retrenchments at first sight—who, like the hon. member opposite, could reduce fancied savings to paper, and take the estimates of 1792 as the criterion of the public expenditure. Upon that assump-

tion, it was easy enough to say that the military expenditure of 1792 was 2 millions and a half, and that now it was 8 millions; and who could from thence at sight infer that there ought to be a saving effected of at least 2 or 3 millions? Such sweeping and wholesale reformers might indeed be astonished at the comparatively slow progress of practical retrenchment; but if the hon. member would assist in the committees of his majesty's government to consider the public reductions, he would soon be taught to go at a slower pace than he travelled in that House. He would become a more cautious practical reformer than he was at present. But the government took a surer and steadier course, and proceeded with practical wisdom in their reductions, so as to render them steadily and permanently beneficial to the public. The hon. gentleman hardly seemed disposed to give the government credit for any reduction last year, much less for those economical arrangements which had been flowing in a constant stream of reduction since the peace. The House knew that the estimates for the present year were 18,022,000*l.* and for the last year they were 19,673,000*l.* showing a present reduction of 1,670,000*l.* Yet, with this reduction on the face of the estimates, the hon. member would have the House believe that there had been no retrenchment whatever. He had been kind enough, however, to set the government a task for next year, and promised them his assistance in solving it. It was clear from what had fallen from the hon. member, that the secrets of the agricultural committee had not been as well kept as they ought to have been; but he had already alluded to the disposition shown by the members of his Majesty's government in that committee to be foremost in recommending the work of retrenchment. The hon. member, no doubt hearing that, determined to have the start of them; he therefore lost not a moment in making a harlequin leap, so as to distance all the advances which ministers could possibly make in the way of retrenchment. In doing so, Mr. Grimaldi never made a more happy effort. He was at once prepared to yield the victory to the hon. member for Aberdeen upon his own position; for he should indeed be an absolute mountebank if he could concur with the hon. member in holding out next year to the country a saving of 4 millions. He could, however, assure the House, that no effort which his majesty's government could reasonably make, consistently with the public service, would on their part be spared to carry into effect economy in every branch of the public departments. After all, could the House doubt the deep and paramount interest which his majesty's ministers must feel in carrying into effect the most extended system of practical retrenchment? No set of men had a greater interest in cultivating the public good opinion. The noble marquis was greatly in error if he supposed that ministers kept their places by the force of selfish patronage, or owed their influence to any other source than the general confidence of the country. He never would, as a minister of the Crown, endeavour to satisfy any excited feelings of the country, by deluding the people with a show of impractical retrenchment: he would never consent to break down the government which his sovereign intrusted to his charge, by risking its safety to seek popularity. These were the principles on which his majesty's government wished always to be judged: they desired to call for the opinion of parliament, not upon their words, but their acts. And they were prepared to labour during the recess in preparing for parliament at its next meeting, that plan of retrenchment which could alone be safe, because it was the result of a practical survey of the state of the establishments of the country.

Lord *Milton* thought that until parliament had received proofs of the noble lord's economy, they were justified in judging from what he had done of what he professed to do. The noble lord had stated, that he pressed economy in the Agricultural committee; but the object of its report seemed to be to divert the agricultural mind of the country from the real causes of the distress to other objects. The price of labour had already fallen, but the fall was no relief to the agriculturist; for the farmer, by paying less in wages, might be certain that he must pay more in poor-rates. As he considered both addresses to amount to the same thing, he would vote for that which was likely to unite the greatest number of suffrages. Gentlemen opposite had been lavish of their praises on the exertions of his hon. friend, though they took care never to give him their support; however, when the praise came from them, it proved that the encomiums were not undeserved. He was sure that the exertions

which called forth such eulogy, could not be lost as to their effect on the government. He trusted that the address would be found to be something more than empty words. He suspected something would proceed from it, and that when they met again next session, the anxiety for economy would not be diminished. He did not wish to see the agricultural capitalists remunerated by a higher price of corn than at present; the rise in the value of the currency made the present price as high as it ought to be. He would be glad if relief could be extended to the agriculturists by any other means; but he feared no relief could be extended to them but from economy. The country was brought to such a state, that if the strictest economy was not adopted, many of the land-owners must be swept off the face of the earth. The intermediate land-owners must have their comforts diminished, and the small land-owners must be reduced to the state of the labourers who worked on their farms. A few years, or perhaps a few months, would show whether this opinion was well or ill-founded.

The Marquis of *Titchfield* said, that, unwilling as he was to offer himself to the notice of the House, and little as he was in the habit of doing so, yet as he was prevented by other duties from attending on former occasions when the expenditure of the country had been discussed, he was anxious not to miss this opportunity,—the last probably the session would afford,—of endeavouring to describe in a few words the great importance he attached to that subject [Hear!]. And he should break through his repugnance to trouble the House with the less difficulty, because, as he would freely confess, he was desponding enough to think the situation of the country so threatening, that almost no financial disasters were too great to anticipate, and that it was impossible to say how soon the period might come when remonstrance upon the subject of expenditure might be too late. Thinking, then, as he did, that, although the country might yet be saved, it could only be saved by an early change of system in that respect, he considered himself bound, even in the humble situation he had the honour to fill in that House, not to be backward in expressing and explaining his opinions. He certainly regretted not having been present on former nights when the estimates were before the House; although if he had been present, he would have generally found great difficulty in determining how to vote—no difficulty in determining that the peace establishment of the country should be conducted on a scale far below the present; no difficulty in deciding that by a rigid revisal of all civil offices, and by a reduction of the army, not merely to what might be desirable for the security and convenience of all our distant possessions, but to what the country could afford, some millions might be saved to the people; but he would have found difficulty, inasmuch as many of the questions were questions of fact, upon which there could be no certainty in judging without a particular and accurate acquaintance with the department of which the establishments were under investigation. But, little as he could have gone along with the hon. member for Aberdeen in all the various motions upon which he thought fit to take the sense of the House, he must nevertheless follow the example of the noble lord who seconded the motion, and endeavour to express the great gratitude he felt, as a member of parliament and as a member of the community, towards that hon. member, for the persevering industry and ardent public spirit with which he had employed himself in the service of his country in the great work of economical reform. He might depend upon it, that the line he had adopted was that by which in these times a man could best serve his country. Other members might make motions upon European politics, and enter into theoretical controversies with the despots of the Holy Alliance with very laudable objects indeed, but he feared to very little other purpose than that which he admitted to be a very meritorious one, of calling forth, as that subject frequently did, very splendid eloquence from both sides of the House. But this sort of discussion was of a nature to confer a real lasting and practical benefit upon the country, and by benefitting this country, to benefit the world; for he was sure that it was for the interest of the whole world that this country should be always great and powerful. Such motions as the one then before the House, often repeated in all their various forms, not only contributed to deter those in power from abusing the trust reposed in them, but, what was of far more consequence, they tended to make the people of England acquainted with the real state of their affairs, and to keep ever before

their eyes this great truth, that the resources of a country, when once impaired, like the private fortune of an individual, could only be restored by the simple but at the same time grand and certain receipt of unsparing and comprehensive retrenchment [Hear, hear!].

He very much preferred the motion then before the House as a mode of discussing the subject of the expenditure to the more usual one of discussing the various items in the committee; for there the gentlemen in office possessed an immense advantage, since it was very easy for them to find excuses, perhaps very plausible excuses, for a certain quantum of extravagance in each department, and in this way they make out, or rather seem to make out, a claim to the whole amount they require. But in the address proposed by the hon. member for Aberdeen the question was put upon its proper footing; for the gist and spirit of it was, that the circumstances of the country made it necessary that the ministers should be limited to a certain sum with which they must provide for the business of the state as well as they could. The question of our expenditure was never more important than at the present crisis; for he thought most politicians, however sanguine, must by this time be convinced that, under such a weight of taxation, not only the country had no chance of recovering its former prosperity, but that it was very likely soon to become actually incapable of raising the amount. But, even if the country could go on from hand to mouth, as it was doing, could any one be satisfied with such a state of things? Could this country continue to exist as a first-rate power, unless it could emerge from its present helpless situation? And when was it to begin its course to prosperity? Here we were as ill off as ever in the seventh year of peace, and to all appearance without a chance of improvement; because, taxed as we were to the full amount of what we could bear, there was of course no surplus wealth in the country, and therefore there were no materials for accumulation. The noble lord, after observing that upon a subject connected, however remotely with political economy he was anxious to manifest all that diffidence which he certainly felt, proceeded to remark, that no truth could be more indisputable than this, that a country could only become rich by being so lightened of taxation, that the taxes should be paid out of its superabundance, and not extorted from it in spite of its necessities. In our embarrassed situation war would be dreadful to contemplate, and upon the present scale of expense there seemed no prospect of our ever being able to meet it much better than we were this year. He really believed that, unless parliament interfered, and with more spirit than the hon. member for Corfe Castle seemed inclined to do, we should continue in our present state of exhaustion till some war overtook us, without our having made a single step towards prosperity; and then he would ask what was to become of the country? [Hear, hear!] If in such a state we were to be forced into a war, one of two evils would probably happen to us—either we should be soon compelled to yield, at least to abandon our pretensions, or if from the weakness of our enemy and not our own strength we should avoid a dishonourable peace, we should then find ourselves burthened with such accumulated loans, that the utmost exertions of the country would barely suffice to pay the interest of the debt, and we should then remain without any establishment at all, left to the mercy of the first invader, and inviting attack from the first power that should find resources to second its ambition. Towards meeting and removing such an extent of difficulty, economy, in the proper acceptation of the term, highly as it is to be recommended, and rigidly as it ought to be enforced, cannot do much. For by economy, properly speaking, is meant the doing the business of the state as cheaply as possible. Now, if an independent and spirited House of Commons was to effect this to the utmost extent, some hundred thousands might be saved; but to relieve us, to give us real relief, we must cut off not by hundred thousands, but by millions. And such a diminution can only be brought about by a reduction of the army. To him the policy of keeping up the present amount of military force was quite incomprehensible. The noble lord, the organ of the administration in that House, and the noble Secretary at War, had said, that the force kept up was no more than necessary to guard against the dangers incident to sudden war. Perhaps the noble lords were right in saying that such a force was required in order to put every part of our distant possessions in a state of complete security. This proposition might be perfectly true, at least he would

admit it for the sake of confining himself to what ought to be the paramount consideration with the government and with the House, namely, the security of our finances. To what purpose was it to be prepared for war in a military point of view, if we were utterly destitute of the resources to enable us to carry it on? Of what use was it to guard against the effects of a sudden attack, if we were sure to suffer the same evils from a protracted aggression? By a sudden war, a very unlikely event, with a diminished force we might lose a colony or two—a small loss and of no consequence in any point of view—of no consequence if our resources were good, for then we should easily recover the colony—and equally of no consequence if our resources were disordered, for then we should lose it at any rate, if not by surprise, by our inability to continue the struggle. The question is, said the noble lord, whether you will risk the loss of some colonies, or whether you will endanger your financial credit—whether it is worth while to oppress every part of the community to make yourself completely secure against what is not likely to befall you, and what, if it does befall you, will not, by your over precautions, be more successfully met? This country is to stand and to command the respect of the world, not by its numerous garrisons scattered over the globe, but by its well-known power of supporting those numerous armies which, during the late war, were in activity by our means, of affording the vast subsidies we were then so lavish of, and, above all, of sending forth those mighty naval armaments which have been the astonishment of Europe; and inasmuch as our expenditure during peace takes off from our ability to furnish such a display, in so much are we weaker instead of stronger." The strength of England consists in the reputation she enjoys of being able to undertake a war, and in showing, by her repaired and increasing resources, to surrounding nations, that, in the event of insult and injustice, she has the means as well as the inclination to chastise the aggressor with signal and fearful vengeance. But instead of acting upon these principles, we pursue the short-sighted policy of taking very expensive precautions against a small chance of a small loss, easy to be repaired, at the price of incurring a great chance of a great loss not to be repaired—the shaking of the national credit upon which our power depends. And to what purpose do we contemplate such a prospect? For no other, it might well be suspected, than to indulge his majesty's ministers with the parade and patronage of an army, as disproportionate to the means as it is inconsistent with the constitution of the country [Hear, hear!].

As for the details of the military establishment, he would not enter into them, partly because at that late hour he could not presume to trespass upon the time and patience of the House at sufficient length to enable him to do so, and partly, because by so doing he should be in some measure abandoning the high ground upon which he thought the opponents of the present system of expenditure ought to stand, and upon which, if they did stand, they were inexpugnable, namely, that the country could not, from financial considerations, prudently maintain its present establishments, whether in other points of view they were desirable or not. He would not trouble the House much farther; but before he sat down, he must explain why he preferred the original motion to the amendment proposed by the hon. member for Corfe Castle. In taking that course, he was not acting in obedience to any party feelings, at least he hoped not. Certainly he was not conscious of having any thing to do with party, and on this occasion he had especially endeavoured to act strictly with reference to the real merits of the case. He trusted the hon. member for Corfe Castle would forgive him, but he must say, he could not help viewing his accession to the cause, to the cause of reform in any sense of the word, with considerable suspicion. [A laugh.] The very circumstance of the trifling difference between the address he had proposed and that to which it was an amendment was a strong argument against it. For if its object was *bonâ fide* to procure for the country a reduction of its establishments, and if no other object was at bottom, where was its superiority over the original address? But it showed upon the face of it, that it was designed merely to extricate his majesty's ministers from a painful situation, and to secure to them certain votes upon which they could not otherwise have relied. From this circumstance it naturally arose, indeed necessarily followed, that the amended address was deficient in the spirit with which the professed object of it ought to be sought; and on account of that deficiency he had

no faith in its effecting the amount of saving which ought to be the result of an address to the throne from the House of Commons, and which in his conscience he believed it was in the power of the government to bring about. If the motion of the hon. member for Aberdeen were carried by such a majority as accomplished the repeal of the agricultural horse-tax, he thought it not too much to hope, notwithstanding the ridicule with which the noble lord (Londonderry) treated such a motion, that we might obtain a reduction to the amount of four millions at least. But otherwise he feared no very considerable and sweeping reductions could be calculated upon. He was far from meaning to doubt that reductions would take place: on the contrary, he felt sure that by the next session material retrenchments would be made. The question was entirely one of degree. Some retrenchments would be made every now and then, when the country gentlemen in the habit of supporting the present administration, stimulated by the failure of rents, should become irresistibly clamorous; and this he considered a fair ground of hope, for he would venture to predict with confidence, that next year, when gentlemen should be receiving 5,000*l.* where they had before received 10,000*l.*, they would find out and impress upon his majesty's ministers that 249,000 men were not absolutely necessary in a time of profound peace. At one time an expense would be cut off, because the tax that supplied it had been removed: at another time a saving would be effected where the extravagance had become glaring and notorious. Of one particular saving, for instance, we might be sure, at least he trusted so. It would not again probably in the next session, be found necessary by his majesty's ministers, for their security in power, to spend the money and risk the quiet of the country in the sacrifice of a royal victim [Hear!]. We should not again, he trusted, have to witness the disgusting spectacle of a powerful administration condescending to court favour by despising justice, and to earn their continuance in office by conspiring against an individual, whose previous persecutions and sufferings might, if there had been nothing else in her favour, have entitled her to the forbearance of her enemies. For let his majesty's ministers reflect, that if it cost them no pain to blast their own character and to tarnish, as far as upon them depends, the character of their country, let them at least bear this in mind, that, upon the score of finance as well as of morals, their stability would not be increased nor their popularity advanced by spending the money of this moral people in putting perjury to auction in the markets of Milan. But he dared not trust himself upon this subject; for he confessed the respect he entertained for some individuals in office made him anxious to refrain from giving to those transactions that black character which the reprobation of the empire had affixed to them. Those events had made a deep impression upon his mind, because he thought the honour of parliament, from its conduct on that occasion, had received an incurable wound, and because he thought that, although the rankling effects of that wound might, perhaps, never end but with the present constitution of the House of Commons itself, they might be in some degree mitigated, by such a display of spirit as the presenting the unamended address would evince. And so strongly did he feel for that House the necessity of showing that it was not the absolute tool of any party that might have places and pensions to distribute, that, if he could foresee no other good effect from the success of that motion, it should have his cordial support. [The noble lord sat down amid loud cheering.]

Mr. *Wilmot* preferred the amended address, because it contained no censure upon government, as having neglected all economy. He also vindicated the late contest, and contended that the expenses which it had brought on the nation, were necessary for the preservation of its honour and independence.

Mr. *Creevey* expressed his surprise that gentlemen opposite, who, at the commencement of the career of his hon. friend, the member for Aberdeen, affected not to notice him, were now ready to allow that he had considerable merit. Finding themselves hardly pushed, they had been obliged to call in the hon. member for Corfe Castle, who had given them all the assistance in his power. He had been engaged in bringing up the rear of the ministers, and he had succeeded extremely well. The hon. member for Aberdeen, whose strenuous exertions for the reduction of expense were well known, submitted a proposition of great importance to the House; and then came the hon. member for Corfe Castle with his proposition, which neutralized the one originally submitted to the House.

Mr. *Huskisson* said, that the noble marquis (Titchfield) had taken too gloomy a view of the state of the country. When he spoke of its helpless and hopeless state, he ought to have recollected that his own friends and relations the other night wished government to interfere with the proceedings of other powers, and would have probably, by such interference, involved us in a war with them. Their desire of interference must therefore have not been sincere, or else they did not believe the country to be in so helpless a state as they pretended. He would deny that the expense of collecting the revenue exceeded four millions, and must protest against the assertion of the hon. member for Aberdeen, that his majesty's ministers had declared that they had reduced the establishments of the country so low, that they were not susceptible of any farther reduction. In opposition to the declaration of the hon. member, that there had been no retrenchment in the present year, he compared the sums voted in the present year with the sums voted in the last year, to show that there was a reduction of 1,770,000*l.* As to the reduction of four millions proposed by the hon. member for Aberdeen, it was a proposition which the hon. member himself could not seriously expect would be acceded to. He must protest against the comparison of the year 1792 with the present year. In 1792 all places were paid by fees, perquisites, and emoluments, for which salaries had been substituted, which made the expenditure appear greater. The remission of those fees was, in fact, a remission to the public of an equal amount of taxes. It was unfair to compare the navy expenditure with the same period. It should have been compared with 1783, 1784, and 1785, when the amount would be found nearly the same. The hon. gentleman proceeded to comment upon the system of measures pursued by the hon. member for Aberdeen, whom he accused of having submitted garbled accounts to the House. That economy was necessary, he willingly admitted, but he could not go the length which a noble lord had gone, who had argued that no inconvenience could result from the withdrawal of the naval force from two or three of our foreign colonies. He could not help hoping that hon. members on his own side of the House, would place as much confidence in the assertions of ministers, as the gentlemen on the other side placed in the assertions of the hon. member for Aberdeen, to whom they seemed willing to commit the task of destroying the army and navy of the country in such manner as his own intuitive wisdom should think fit.

Mr. *Abercromby* observed that the taunting tone of the noble lord opposite generally proceeded from what he considered to be the feelings of those who supported him; but never was there a greater dissonance than that which now existed between them. The noble lord was fully aware, that one or other of the questions must be carried; and he would put it even to the hon. member for Corfe-castle himself, whether, if such an amendment had not been moved, the noble lord would not have met the original resolution with the previous question. The noble lord said, that he was friendly to economy in every department; but if the House gave him credit for that assertion, where was the necessity for either of the resolutions? The fact was, that the noble lord was afraid to put the previous question. The noble lord did not now rely with equal confidence on his former majorities, and was obliged to conform to what he found was the disposition of the House. There was, however, very little difference between the two motions. The principal difference was, that the motion of the hon. member for Corfe-castle was introduced with a speech laudatory of what ministers had already done towards reduction. Ministers, by supporting the amendment, showed that they felt themselves in a new situation. They were evidently in a state of repentance, conscious that they could not go on as they had hitherto done. He could not otherwise account for the juggle of the proposed amendment, than by supposing that either the hon. member for Aberdeen had not kept his secret with respect to the nature of his motion, or that the secrets of the agricultural committee had been suffered to transpire. A silent but virtual change was going on in the constitution of the country—a change which was wholly attributable to the weakness of the executive government. He meant that sort of change by which ministers ceased to introduce great public measures on their own responsibility; but left them to be effected by committees of that House, under the shelter of which they screened themselves. Such a practice could not be too much reprobated. As a decided

friend to economy, he should support the original motion.

Sir *C. Long* observed, that there was a marked inconsistency in the conduct of gentlemen on the other side. The hon. member who spoke last deprecated any resort to committees on great public questions, while the hon. member for Aberdeen asked only for committees on the various subjects to which he called the attention of the House, and offered to prove all his statements before such committees. The right hon. gentleman went on to show that very great benefits had accrued to the country by the commission which had been appointed to inquire into the collection of the customs. They had done every thing in their power to limit the expenditure in that department, as far as was consistent with the safety of the country.

Mr. *Maberly* was not disposed to detain the House long, more especially after the very able exposition of the state of the country by the noble member for Blechingley, which completely coincided with his view of the subject. The hon. member for Corfe-castle had talked of delusion; but that hon. member himself was the great deluder. All that he (Mr. M.) wished for on the ground of economy was founded on the delusion of the hon. member for Corfe-castle, in the fourth Report of the Finance Committee. In that report it was stated, that the country ought to be governed at an expense of 17,380,000*l.* This report was drawn up by that hon. member; yet, whenever an attempt was made to bring the estimates down to the sum stated in that report, the hon. member had always voted against it. By economy only could they meet the difficulties by which they were surrounded; but where was economy to be looked for, when it was found that we had this year exceeded the estimates of 1818 by 671,000*l.*? From the various calculations which had been laid before the House, it appeared that there was an increased expenditure of 17 millions since 1792.

Mr. *Hume* rose to reply. He said, that to the general assertions of the noble marquis opposite, that he was a visionary in his plans of reduction, he would only answer, that they were deserving of that epithet who, like the noble lord and his friends, had made sweeping charges and assertions to the House which were not borne out by facts. He had taken his statements almost universally from official papers before the House, when such could be found, and not one of them, had been disproved: none of them had been fairly met as they might have been if incorrect; they stood uncontradicted, except by that general kind of ridicule and denial which the noble marquis so often tried, but he would take leave to inform him he so seldom succeeded in. It was easy to talk of pulling down a government, and destroying an army and a navy; but he (Mr. H.) contended the plans of reduction recommended by him, were the most likely to save the country. The noble marquis might fancy he (Mr. H.) had taken a harlequin leap in proposing an approximation to the establishments of 1792; but, ere long, it would be seen what proficiency the noble marquis and his friends would make in the leap in following him—for follow him they must in retrenchment, and in wholesale retrenchment too, to the extent at least soon of the four millions recommended by him, and to double that amount before much time elapsed, if he was not much mistaken. The noble marquis had asserted, that the principle of reduction had been carried on as rapidly as possible since the peace: but the estimates from 1817 to this date, gave the negative direct to that assertion. The speech of the noble marquis required no other remark. He must next express his surprise at the speech of the right hon. member (Mr. Huskisson) who took upon him to state that garbled accounts had been submitted by him (Mr. H.) to the House, and also to deny the statement of the noble marquis (Tavistock), that the expense of collecting the revenue exceeded four millions sterling in the last year. Now he would assure the right hon. member, that he had not willingly submitted any garbled accounts, he denied the charge altogether, and it would have been better if the right hon. member had produced the entire statements to correct those he (Mr. H.) had made during the past three months. It should be recollected that the statements had not been submitted for the first time this night, they were merely an abstract of what he had before stated in detail, and sufficient time had been given to refute them if they were able to do so. The right hon. member's assertions were of a piece, with the contradiction to the noble marquis's (Tavistock) statement, about the charges of collection of the revenue, as he (Mr. Hume) held in his hand the official state-

ment in the Finance Accounts, which showed the expense of collecting the revenue in the past year to be 4,136,642*l.* exclusive of 142,136*l.* for quarantine and other expenses. So much for the accuracy of the right hon. gentleman. With respect to the amendment proposed by the hon. member for Corfe-castle, he could easily account for its being so nearly an echo of his own motion, by stating to the House, that he had given a copy of his intended motion, two days ago, to the secretary of the treasury (Mr. Arbuthnot), and there was little doubt of the manner it had come to the hon. member for Corfe-castle. He had perhaps been rather soft in doing so; but he had erred on the side of candid dealing. In fact, there was little difference between the amendment and the address; the chief alteration made by the hon. member was, to approve of the conduct of ministers for the reductions said to have been made in the establishment of the Customs. Now to convince the House how ill-founded that praise was, it appeared, by the official return of that department which he held in his hand, that in the last year, no fewer than an increase of 205 persons had been made to the establishment. There was, indeed, a decrease of contingent charges; but the House, to judge of the fact, would observe, that in 1819 there had been an increase in salaries of 4,998*l.*, and in 1820 a decrease of 2,634*l.* It was perfectly true that in the Customs of England, there had been an actual decrease of contingent charges of 100,203*l.* although of that amount only 2,634*l.* were in salaries, and we could not estimate the actual decrease without knowing how much increase had taken place in the superannuation list in the same time. On the whole of the salaries and contingent charges of the public offices in Great Britain for the last year, there was only a decrease of 64,774*l.*; so that if the Customs had decreased, other departments had increased. This was all the boasted reduction in Great Britain; but in Ireland there had been an increase of 35,408*l.* with a decrease of only 19,837*l.* being an actual increase in Ireland of 15,571*l.* This was the extent of economy and reduction, and, on this, the House were called upon to congratulate the country! One point to which he had called the attention of the House, and it had not been contradicted, was this, that since 1808 there had been an increase of about 1,200,000*l.* in the charge for the management of the Customs and Excise, &c. Now he would ask, was a decrease of 2,634*l.* to be set off as economy, for which the ministers were to be praised, against so great an increase as he had stated? Ministers had on this as on former occasions declared that they had observed the greatest economy, although the public expenditure had gone on increasing every year since the year 1817; and he was confident that no efficient reduction would be made until that House did their duty, and refused the means of being extravagant. He left it with the House to mark by its decision their opinion of the past, and their expectation for the future. These were all the observations that appeared necessary to show the kind of argument used by the ministers; and, he considered that those who voted for the amendment to his resolution, would be giving their support to the assertions of his majesty's ministers, that they had already carried economy to the extent the public service would admit, assertions, he declared, that were altogether unfounded.

The House divided: For Mr. Hume's Motion, 94; Against it, 174. Mr. Bankes's Amendment was then put, and agreed to.

List of the Majority, and also of the Minority.

MAJORITY.

Arbuthnot, rt. hon. C.
Apsley, lord
Alexander, J.
Ancram, lord
Beresford, lord G.
Bathurst, rt. hon. B.
Burgh, sir U.
Blake, R.
Bent, John
Barry, J. M.
Blair, J. H.
Blair, J.
Baillie, John
Beckett, J.
Bradshaw, R. H.
Browne, D.
Brandling, C.
Bourne, W. S.
Bankes, G.
Broadhead, T. H.
Binning, lord
Brecknock, lord
Brownlow, C.
Bernard, lord
Bentinck, lord F.
Brogden, J.
Calvert, John
Calthorpe, hon. H.
Cockburne, sir G.
Clive, lord
Clive, hon. R.
Clive, H.
Courtenay, T. P.
Courtenay, W.
Cranborne, visct.
Cheere, E. M.
Clerk, sir G.
Cumming, G.
Claughton, T.
Cust, hon. E.
Cust, hon. P.
Cust, hon. W.
Crosbie, J.
Cole, sir L.
Cholmeley, sir M.
Chichester, A.
Clements, hon. J.
Congreve, sir W.
Dawkins, H.
Don, sir A.
Doveton, G.
Dundas, rt. hn. W.
Drake, T. T.
Dalrymple, R.
Douglas, W. R. K.
Dowdeswell, J.

Dawson, G.
Dodson, John
Donally, lord
Ellison, Cuthbert
Fane, John
Fane, Vere
Fane, Thos.
French, Arthur
Fleming, John
Fleming, J.
Forester, F.
Fynes, Henry
Grant, rt. hon. C.
Gifford, sir R.
Goulburn, Henry
Gossett, W.
Greville, hon. sir C.
Gordon, hon. W.
Gascoigne, general
Huskisson, rt. hn. W.
Harding, sir H.
Hulse, sir C.
Hawkins, sir C.
Harvey, sir E.
Holford, G. P.
Holmes, W.
Hotham, lord
Hill, sir G.
Hart, general
Irving, John
Kingsborough, lord
Lascelles, visc.
Legh, T.
Lygon, hon. H.
Lindsay, lord
Lindsay, hon. H.
Lewis, T. F.
Lennox, lord G.
Londonderry, marq. of
Long, rt. hon. sir C.
Lowther, J.
Lowther, J. H.
Marjoribanks, sir J.
Martin, sir B.
Martin, R.
Mansfield, John
Metcalf, H.
Manners, lord C.
Macdonald, R.
Money, W. T.
Manning, W.
Macnaghton, E. A.
Munday, Geo.
Musgrave, sir P.
Maginnis, Rich.
Mitchell, John
Morland, sir S. B.
Nolan, M.
Nicholl, rt. hn. sir G.
Owen, sir John
Osborne, sir John
Pole, rt. hon. W.
Palmerston, lord
Phipps, hon. E.
Peel, rt. hon. R.
Peel, W.
Powell, E. W.
Pakenham, hon. H.
Pearse, J.
Penruddock, J. H.
Pennant, G.
Prendergast, J. T.
Pringle, sir W.
Robinson, hon. F.
Robertson, A.
Ricketts, C. M.
Russell, J. W.
Smith, J. A.
Stopford, lord
Scott, hon. J.
Scott, S. C.
Sumner, G. H.
Somerset, lord G.
Somerset, lord R.
Stuart, A.
Strutt, J. H.
Sotheron, admiral
Twiss, Horace
Tremayne, J. H.
Tulk, C.
Thynne, lord J.
Taylor, sir H.
Thomson, W.
Ure, M.
Upton, hon. A.
Vansittart, rt. hon. N.
Vernon, George
Valletort, visc.
Wallace, rt. hon. T.
Ward, R.
Warrender, sir G.
Wells, John
Wilson, T.
Wilson, sir Henry
Wrottesley, H.
Wood, col.
Wodehouse, hon. J.
Wodehouse, Ed.
Ward, J. W.
Wigram, W.
Westenra, hon. H.
Wilmot, R.
Wilbraham, Ed.
Wortley, J. S.
Walpole, lord
Williams, R.
Wemyss, J.

TELLERS.

Bankes, Henry
Gooch, T. S.

MINORITY.

Abercromby hon. J.
Allen, J. H.
Baring, A.
Barnard, lord
Becher, W. W.
Bennet, hon. H. G.
Bernal, R.
Birch, J.
Brougham, H.
Bright, H.
Burdett, sir F.
Byng, G.
Burrell, sir C.
Burrell, W.
Benett, J.
Calcraft, J.
Calvert, N.
Calvert, C.
Carter, J.
Cavendish, lord G.
Cavendish, H.
Cavendish, C.
Clifford, capt.
Coke, T. W.
Crespigny, sir W. De
Creevey, T.
Denison, W. J.
Denman, T.
Dundas, hon. T.
Duncannon, visc.
Ebrington, lord
Ellice, E.
Evans, W.
Fergusson, sir R.
Fitzgerald, lord W.
Fitzroy, lord C.
Farrand, R.
Grattan, J.
Gordon, R.
Grenfell, Pascoe
Guise, sir W.
Haldimand, W.
Harbord, hon. Ed.
Heathcote, G. J.
Hobhouse, J. C.
Honywood, W. P.
Hughes, W. L.
Hurst, R.
Hutchinson, hon. C.
James, W.
Lemon, sir W.
Lloyd, J. M.
Lester, B. L.
Langston, G.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mackintosh, sir J.
Martin, J.
Maxwell, J.
Milbank, M.
Milton, visct.
Monck, J. B.
Moore, Peter
Marryat, Jos.
Neville, hon. R.
Newman, R. W.
Nugent, lord
Ossulston, lord
Palmer, C. F.
Pierse, H.
Philips, G. jun.
Powlett, hon. W.
Price, R.
Robarts, A.
Robarts, G.
Robinson, sir G.
Rowley, sir W.
Rumbold, C.
Rice, T. S.
Smith, J.
Smith, W.
Smythe, J. H.
Scarlett, J.
Scudamore, R.
Sefton, earl of
Tierney, rt. hon. G.
Titchfield, marq.
Warre, J. A.
Western, C. C.
Whitbread, S. C.
Williams, W.
Williams, O.
Wilson, sir R.

TELLERS.

Hume, J.
Tavistock, Marq. of

HOUSE OF COMMONS.

Thursday, June 28.

APPRENTICED SLAVES.] On the motion of Mr. Wilberforce the House resolved, "That an humble address be presented to his majesty, representing that great numbers of Africans, rescued from slavery by seizure and condemnation of the ships and vessels in which they were unlawfully carried as slaves, have been apprenticed, under his majesty's authority, pursuant to the acts made for abolishing the slave trade, in many different islands and colonies in the West Indies, for terms of apprenticeship which have in a great number of cases expired, or are near expiring; and many other African captives, so enfranchised, have been enlisted into

his majesty's military and naval services, and have been afterwards discharged therefrom, in the said islands and colonies:—that, from the prevalence of negro slavery in the said islands and colonies, and from other local circumstances, as well as from the ignorance of the said enfranchised African captives, for whose education means have not hitherto been provided, they are exposed to various dangers and sufferings, being also, in some cases, removed from one British island or colony to another, and are therefore no longer within the observation, or the official authority, of the protecting officer of the colony in which they are apprenticed, nor does the protecting authority of such officers over the said apprentices extend beyond the terms of apprenticeship:—That under these circumstances it appears to this House to be expedient and necessary, that proper measures should be taken by his majesty's government for ascertaining in all the said islands and colonies, the present numbers, names, situations, and circumstances of all Africans liberated from slavery by force of the acts of parliament for abolishing the slave-trade, and which have at any time been apprenticed, or entered or enlisted into his majesty's sea or land service, and afterwards discharged in the West Indies, or which have been liberated there, without having been so apprenticed, entered, or enlisted; and for imparting to all such of the said apprentices, whose terms of apprenticeship have expired, and all Africans so discharged from his majesty's service, such protection, and such remedies and relief, as their situation may require:—and that his majesty will be graciously pleased to take such measures as shall appear adviseable for the future disposal and settlement of the said Africans."

Committee of Supply.] The Resolutions of the Committee of Supply, amounting to 105, were reported. Much conversation took place on several of the resolutions.

The resolution for granting 20,006*l.* 12*s.* 6*d.* to general Desfourneaux, or his representative, as a compensation for losses and damage sustained at the capture of Guadaloupe in 1794, was strongly opposed by Mr. Calcraft. Mr. Grenfell also opposed the resolution, and moved that 3,500*l.* be inserted instead thereof. Upon which, after some conversation, the House divided: For the larger grant, 6; For the smaller, 53. Mr. T. Wilson next moved, that 5,000*l.* be inserted instead of 3,500*l.* On this the House divided: For the smaller grant, 41; For the larger, 12.

On the resolution for granting 7,000*l.* to the Crown for defraying the expenses of publishing government Proclamations in Ireland,

Mr. *Bennet* called the attention of the House to the partial distribution of government patronage to the press of Ireland. The House would scarcely believe in what manner the government of Ireland managed the money granted for this purpose. He could show that proclamations of disturbances in districts were made, not in the newspapers of those districts, but in those of other counties. The publication was thus made, not for the purpose of spreading the requisite information, but of putting money into the pockets of certain editors, who were the creatures of the ministry. The sums of money given to them for advertising were in the inverse ratio of their claims to respectability and the extent of their circulation. Some papers received to the amount of between 1,000*l.* and 2,000*l.* of revenue, for abusing every man, and every body of men, opposed to administration; whilst papers of the most respectable character, and the greatest sale, received only 20*l.* or next to nothing. He trusted that the right hon. gentleman would before the next session make inquiry into the extent of this evil, and take means to remedy it.

Mr. *Grant* said, that 9,000*l.* was granted for the same purpose last year, and that now it was reduced to 7,000*l.* He had reduced the grant, and would reconsider the subject upon his return to Ireland.

Mr. *Hume* thought that the only means of putting an end to this great abuse was to stop the allowance granted for supporting it. It appeared that the bribery of the government journals did not extend only to proclamations, but to other government advertisements, and was likewise taking root in England. A very considerable portion of the money which they had that night voted would be applied to the same purpose as the 7,000*l.* included in this resolution. He held in his hand an advertisement, which in one of those government papers had been published five years without alteration. Some districts were proclaimed to be in a state

of disturbance eighteen months after tranquillity had been restored. Whilst on this subject, he could not but again advert to a similar practice commencing in England. He mentioned some time ago that government advertisements did not appear in "The Times" newspaper, and he understood that government had issued an order for depriving it of the emolument derived from them. This must have been because it opposed the measures of administration. The chancellor of the exchequer had said, that no order had been issued to prevent them, and that the different offices were left in this respect to act upon their own discretion. He had, however, reason to believe, that this assertion was incorrect, and that government had given orders that none of their advertisements should be sent to that paper. He regretted exceedingly that ministers should have so abused their patronage. They must know that "The Times" newspaper had, of all others, the most extensive circulation; and consequently, if advertising was intended to benefit the public, must be of the most extensive use. It was known to them that this paper paid about 50,000*l.* a year in stamps, and must therefore be the means of distributing most widely the information which it was the public interest to have communicated. He should therefore be happy to hear from the chancellor of the exchequer, whether he persisted in his former declaration, that no government order had been issued to the government offices on the subject.

The resolution was agreed to.

HOUSE OF COMMONS.

Friday, June 29.

COMMITTEE OF SUPPLY.] The House proceeded to consider further of the Resolutions of the Committee of Supply. On the resolution, that 5,135*l.* 1*s.* 6*d.* be granted for the Salaries of the Officers of the Alien-office, Superannuations, &c.;

Sir *R. Wilson* rose to oppose the grant. If a foreigner misconducted himself in this country, it would be much better to proceed against him by indictment, than as now summarily by the Alien bill, on clandestine information. In some cases the evasion of the law prevented the foreigner from availing himself even of the scanty means of justification, which the bill itself afforded. In France, by the charter, although a passport was necessary to the admission of a foreigner into the country, when he actually had arrived, he could not be removed without having committed some offence obnoxious to the laws. By the existing Spanish law, Spain was allowed to be an asylum for foreigners who fled from their own countries, in consequence of political offences alone. There were many cases of the treatment of foreigners under the Alien bill, which were highly reprehensible. There was the case of a foreigner, who was sent out upon the representation of a foreign ambassador, that foreigner not having committed any offence in this country. There was the case of madame Montholon and her child, the latter of whom died, in consequence of not being allowed to land. There was the case of general Gourgaud, suddenly hurried off, without being allowed the opportunity of justifying himself from the charges alleged against him. Who did not recollect the conduct of colonel Browne, which induced M. Marietti, the banker, to warn his son, that if he were not cautious, the Alien act would be used against him? In fact, he scarcely met a foreigner who did not begin conversation by asking him, whether he thought an alien might now live in England free from the vexatious operations of this measure.

Mr. *Hobhouse* said, that several cases had been quoted to prove what were the evil effects of the alien law. He would take leave to mention another, which went to show what was the idea that was entertained of it by foreigners themselves. Some time since he happened to be in the theatre at Milan, in company with an English physician. His friend being incommoded with the cap of a grenadier officer who stood before him, begged him to take it off that he might see what was going on. To this civil request a rude answer was given, and the Englishman desired the grenadier to walk out of the box. The invitation being immediately complied with, both himself and his friend concluded that the preliminaries of a more particular meeting were immediately to be arranged. The House would judge of their mutual surprise, when, upon crossing a lobby, his friend was seized, put in the guard-house, and next morning desired, by a message from count Saurau, to quit the Milanese immediately. Upon his remonstrating with the count, upon the hardship of the case, the count replied, "I believe you are

aware that the same thing might be done in England by my lord Castlereagh, under the alien act." This was very ridiculous to be sure; very unlike the noble lord, and very unlike the law: but it showed that the principle of that law was so odious in itself, that even well-informed men, attributed to it an operation of the most despotic character.

Mr. *Bernal* observed, that while we were holding out to foreign nations every inducement to trade with us, we ought to remove that impediment to a closer connection with those nations, which the Alien bill presented.

The Marquis of *Londonderry* said, the gallant general was too well aware of the course and practice of parliament, really to suppose that a question upon the charge of the Alien-office was a proper opportunity for discussing the Alien law. That law would only have operation for one year more; and a much more fitting occasion for such a discussion might be found. With regard to the law, he had always protested against the notion of its having been framed with a view to the particular wishes of any foreign nation whatever. Whenever the gallant general could make out a single case, in which any foreigner for his conduct abroad had been excluded from these shores, contrary to the well known hospitality of the country, and the generous spirit of our foreign and domestic policy, he would admit that the Alien act had been abused. It was a very different thing, however, that, where a foreigner came here, in order to make this kingdom the theatre of his conspiracies, and of his hostile machinations against other and friendly powers, he should be prevented from remaining. When this bill expired, and his majesty's government propose its renewal, it would then be for the gallant general to bring up his artillery to bear against it. At present he was only wasting his powder and shot, and directing his fire, not against the principle of the law, but against the officers and clerks of the establishment.

Sir *J. Mackintosh* said, that such was his abhorrence of the measure, that he felt himself bound to avail himself of every opportunity of opposing it. Unfortunately it was now too late in the session to think of proposing the repeal of this law, but still he felt it necessary to object to the money by which it was to be carried into execution. Having no other means of reaching the monster, he would starve it to death, and therefore, if his gallant friend went to a division, he would vote against the resolution.

Mr. *Bennet* said, he would give his decided opposition to the grant. As an instance of the conduct pursued in Naples, he begged to state a fact which had been communicated to him upon the best authority. A Neapolitan senator had taken refuge on board a Spanish ship. He was there visited by sir W. A'Court and the French ambassador, who expressed their regret that he should entertain any jealousy or alarm, and promised that he might come on shore with perfect safety. The senator, relying on these promises, went on shore, accompanied by his son, a boy of 18 years of age, and they were immediately arrested and thrown into one of the worst prisons in the town. The confinement of this gentleman was the more unpardonable, as sir W. A'Court, by speaking one word, could instantly release him from prison. A recollection of some transactions which took place some time ago when he (Mr. B.) was in Italy, made him tremble for the fate of this unfortunate senator, under the government of the king of the Lazzaroni.

The Marquis of *Londonderry* said, it was no bad criterion of the mildness of the king of Naples' government, that he was beloved and respected by the Lazzaroni. With respect to what the hon. member had said of sir W. A'Court, he could not believe that that gentleman would lend himself to any such transaction.

Mr. *Hutchinson* thought that a system of tyranny was now acted upon by the chief of the allied sovereigns, and that their great object was to put down liberty in Europe; and he believed that though the noble marquis had not dared to affix his name to any of their public declarations, yet he was not unfriendly to their system.

The House divided: Ayes, 47: Noes, 27.

List of the Minority.

Abercromby, hon. J.	Harbord, hon. E.
Becher, W.	Hume, J.
Benyon, B.	Hutchinson, hon, H.
Calcraft, J.	Lennard, T. B.
Cavendish, hon. H.	Martin, J.
Clifford, W. J.	Milton, vict.
Creevey, T.	Monck, J. B.
Davies, col.	Palmer, C. F.
Denman, T.	Phillips, G. R. jun.
Fergusson, sir R.	Robertson, A.

Robinson, sir G.	Warre, J. A.
Robarts, A. W.	Wilson, sir R.
Rice, S.	TELLERS.
Smith, R.	Bennet, hon. H. G.
Smith, W.	Hobhouse, J. C.

GRANT TO THE DUKE OF CLARENCE.] On the order of the day being read for going into a Committee on the Duke of Clarence's Annuity Bill,

Mr. *Creevey* thought that ministers were not treating the House as they ought on the present occasion. They had been hunting down bills both day and night during the whole session, and now, at its conclusion, they proposed a measure which ought to have been introduced sufficiently early to enable gentlemen to give it a due consideration. His next objection was, that the whole proceeding was perfectly unconstitutional. It was not against any positive law, it certainly was against the understood usage of parliament, to connect this bill with something which took place two parliaments ago. All that could be said by the royal duke was, that if he could induce parliament to be so foolish as to grant him this money, he had the consent of the Crown in his favour. He contended that a message from the Crown ought to have been laid before the House before the bill was introduced, He objected also to parliament being made the instrument of favouritism, either by the Crown or the ministers. They ought not to allow themselves to show favour to one branch of the royal family, while another branch was neglected. He had heard it said, that her majesty was to have a sum of money allowed her as an outfit. This, however, was forgotten, and it was an outrage on parliament to make it the instrument of favouring this royal duke, while the Queen was allowed to be sacrificed. The Queen had as good a right as the duke of Clarence to the consideration of parliament. Her majesty had, with a magnanimity which did her great honour, refused to accept more than 35,000*l.* a year, though 50,000*l.* was offered to her. This was seven years ago, and her majesty had just as good a right to apply for her arrears, as the duke of Clarence had for his. Was it right to call on the people to give this money to the duke of Clarence, after having taken a large sum to defray the expense of the trial of her majesty?—a trial which the people considered unjust and iniquitous. It was too hard, after that expense, to ask a large sum of money for that royal personage, who had acted so conspicuous a part in that fatal measure. He wished the House to recollect the words of a noble marquis (Titchfield) when speaking of that trial on a former evening. Those words ought to be engraved in letters of gold, for the purpose of showing the royal family how much they degraded and disgraced themselves by such public prosecutions. He had been an eye-witness of what took place on that fatal trial, and he never should forget the ferocious manner in which the royal personage who came now to—[Order, order!].

The Marquis of *Londonderry* put it to the Chair whether the words "ferocious manner" ought to be used in speaking of the royal family.

The *Speaker* was sure the hon. member would see the impropriety of using such expressions.

Mr. *Creevey* said, he spoke of his royal highness merely in the capacity of a suitor to that House for money. He had heard the duke of Clarence signify his "content," in the case of the Queen, in a manner which he never could have expected, considering that the illustrious person was his own cousin—his sister-in-law—a princess of the house of Brunswick—and the Queen of England. The tone, and manner, and temper in which his royal highness pronounced his sentence, had made an impression on him that he should never forget. It was such as he never expected to have seen or heard in any civilized society [cries of Order!].

The *Speaker* said, that he was sure no gentleman would more warmly contend for the freedom of debate in that House than the hon. member. He no doubt, would consider the freedom of that House infringed on, if any person in any other place commented on any thing that might pass within the walls of that House.

Mr. *Creevey* said, he would go no farther in his comments, but would turn to another subject—that of the coronation; and he could not help observing, though he admitted, with the noble lord opposite, that it was a solemn compact between the king and his people, that somehow or other, it was not so regarded by the people. How else could he account for the questions put by almost all who spoke upon the subject, as to whether it was really to take place? How, he asked, could such questions be accounted for, except upon the supposition that the people thought the present was not the

proper occasion for such a ceremony? Nay, there were not wanting persons who looked upon this solemn ceremony as part of the persecution against the Queen: understanding it was not intended that her majesty should be crowned with her royal consort. He was not sufficiently skilled in the law on this subject, to know whether her majesty had a right to be crowned or not; but it was difficult to see upon what ground her majesty, as a member of the royal family, could be excluded from at least being present on the occasion. He thought that every step which could be taken ought to be adopted for the purpose of restoring that harmony which ought to exist between the royal family and the country.

Mr. *Bankes*, jun., said, that there was no analogy between the case of the Queen and that of the duke of Clarence. Her majesty had refused a part of the grant offered her by parliament, because she considered it was too much, and his royal highness had not accepted what he considered too little for the due maintenance of his rank in the country. At the time he had so refused it, he could not have been certain whether the illustrious princess to whom he was now united would have consented to settle in this country.

Mr. *Harbord* said, that he was willing to vote for the 6,000*l.* a year, but not for the arrears. On the subject of the Queen's case, he thought that an allusion to it was most relevant and necessary.

Mr. *Bennet* could not help feeling insuperable objections to the proposed coronation. He could not but grudge the whole expenses of it, not from disrespect to the sovereign, but from a thorough conviction that it was ill-suited to the poverty and distress of the times. It was not fit that the country, sick at heart as it was, should look so gay in the face. The large sum of 100,000*l.* would be ill spent indeed on such an exhibition. It was not now a solemn service, but a mere show.

The Marquis of *Londonderry* said, that the coronation was called a mere show; but he would tell the hon. gentlemen that that august ceremony was performed under the authority of law; that it was an institution ancient and venerable, sanctioned by the usage of ages, and by the spirit of the constitution. Ministers would have neglected their duty to the sovereign, if they had not advised the performance of that ceremony with as little delay as possible. He lamented, as a part of the bitter fruits of the transactions of the last year, that hon. members, far from allaying, laboured to aggravate the evils of that period. He was convinced, that hon. members opposite had done much to increase those evils; and the speeches of that night he looked upon as an endeavour to revive throughout the country those feelings of animosity and agitation, which had for some time ceased to exist. Those hon. gentlemen would call upon the country to expend millions in what they called the cause of liberty, but which he would call the cause of general confusion, but they showed the utmost tenderness in the expenditure of 100,000*l.* on an ancient ceremony which was imposed upon the sovereign by the laws of the land.

Mr. *Hume* said, that the noble marquis thought fit to throw very serious imputations upon gentlemen on his side of the House. But he would tell the noble lord, that he and his colleagues were the firebrands that created a flame through the country, when they attempted to crush the Queen of England. But it was too much for the noble lord to call the coronation an august and sacred ceremony. He denied that any ceremony could be august and sacred that was, like this, founded in injustice. If it was proper that the king should be crowned, it was right that the queen should be crowned also: if otherwise, the coronation, instead of being an august and sacred solemnity, would be a partial, wanton, cruel act of injustice. The noble lord and another noble lord stood pledged, that if the Queen should be acquitted she would be intitled to all her rights and privileges as Queen. Yet the noble lord now talked to the House of the august and sacred solemnity of a coronation from which the Queen-consort should be excluded! He believed no administration had ever departed so widely from the principles of Christianity, or wounded so deeply all the feelings and principles that were dearest to the heart of man. Was it not then too much for those who exerted all their power to prevent, to stop, to arrest such wrongs, to be charged by the noble marquis with disturbing, exciting, and inflaming the country? He had early, earnestly, and in every possible stage, resisted the persecution against the Queen, which had more generally and more justly inflamed the country than any act since the Revolution. He now gave a piece of

advice to the noble lord, to be just both to the king and to the Queen, out of respect not less to the king than to the feelings of the country. Let ministers no longer advise measures respecting her majesty, that were tyrannical and oppressive; but let them advise his majesty to be just towards an individual whom God had placed under his especial care and protection. [Hear, hear!]

Mr. *C. F. Palmer* said, he would oppose the grant, because he disapproved of it on principle, and because it was opposed to the sentiments and wishes of the people.

Mr. *W. Smith* contended, that there was nothing in the coronation which could bind more firmly the people to the sovereign. Of one thing he was convinced, that if the sovereign, from a wish to save the money of his people, consented to forego this ceremony, he would do more to raise himself in the affection and respect of Englishmen, than by going through any ceremony, though it were ten times more splendid than that which was contemplated.

Mr. *Bathurst* said, that a coronation had always taken place on the accession of the sovereign. The coronation oath had been since the Revolution part of the law of the land, and could not be administered but at the coronation.

After a few words from Mr. Hobhouse and lord Milton, the House went into the committee. On the clause which enacts, that the grant shall begin from the 5th April 1818, Mr. Hume moved, that "1821" be substituted. Upon this, the committee divided: For the Amendment, 24; Against it, 54.

List of the Minority.

Bennet, hon. H. G.
Becher, W. W.
Benyon, B.
Byng, G.
Brougham, H.
Crawley, S.
Denman, T.
Fane, J.
Fergusson, sir R.
Hume, J.
Harbord, hon. E.
Hobhouse, J. C.
Lennard, T. B.
Martin, J.
Monck, J. B.
Milton, lord
Palmer, C. F.
Robarts, A. W.
Robinson, sir G.
Rice, S.
Smith, W.
Swann, H.
Tremayne, J. H.

TELLER.

Creevey, T.

APPROPRIATION BILL.] The House having gone into a committee on this bill,

Mr. *Hume* said, that the Bill contained matter which afforded ample ground for discussion; it indeed opened every vote which had been passed by the House, and we might now reduce or reject, if it should be thought proper, any sum in any of the estimates. He claimed that course as a right for him to follow if he chose; but as several of his friends, who had intended to take a part in the debate which was expected to arise on this Bill, had been obliged to leave town, he, after the lengthened observations he had been obliged to make in detail on the principal items in the estimates, did not now intend to oppose the bill in its progress, further than to remark on one or two items which had not been noticed as he had intended. He wished the attention of the House to be called to the charge of agency for the payment of half-pay of foreign officers, a most irregular and improper charge. The noble lord had appointed an agent with an allowance of 3½ per cent for 1817, 8, and 9, and of 2½ or of 6*d* in the pound for the disbursement of that pay in 1820 and 21, being a charge of three times more than was paid for artillery half-pay, and three times more than ought to be expended for that purpose. By the return in his hand, the sum of 17,662*l.* had been paid for agency on about 126,000*l.* for the last five years, being at the rate of 3,532*l.* a year, a charge from which the country ought to be relieved. He considered this a gross waste, and that the pay should be disbursed, as other half-pay was, by the paymaster-general, or by the War-office, if the noble lord's superintendence was necessary. Mr. Disney, the agent, was rendered a public accountant, and allowed to hold large balances in his hands, contrary to the meaning, if not to the letter, of the Pay-office act, which orders all money to be kept in the Bank of England: a double advantage was thus given to the agent against the public, which he (Mr. H.) considered highly improper. He hoped this would be saved.

By the way in which the charge for recruiting was included in the contingent charges with the pay for the troops, he had not at the hour of midnight when that vote passed, had an opportunity of stating his objections to this expense. It was an enormous charge in time of peace; the establishments were all extravagant, and ought to be put down. The charge this year amounted to 73,898*l.* which required reduction. As members had pledged themselves to pursue a system of economy, and to reduce the number of the army, he

hoped they would put an immediate stop to recruiting, and show their willingness to act upon that declaration. He was prepared to show, if time had admitted, gross abuse in the recruiting system. It was scarcely possible to conceive that a staff of 497 officers and men should be kept up for the purpose of recruiting in time of peace, at an expense of 73,398*l.* a year, and particularly when orders would be given to reduce the army. If reference was made to the establishments in six districts, having six inspecting field-officers, six adjutants, six pay-masters, with ten clerks, fifty-five serjeants, an officer in London, at 1,424*l.*, the same in Edinborough the whole for Great Britain was an expense of 40,677*l.* The charge for recruiting for the troops in the service of the East-India company ought certainly to be paid by that company, and 23,211*l.* saved to the country. Until lately, or perhaps at the present moment, an establishment had been kept up at Heligoland at considerable expense, to enlist foreign recruits, without the knowledge of parliament, and contrary to law; as long as such proceedings were allowed to go on, it was useless to talk of economy. So late as the 9th of April last the Zephyr transport was sent by the navy-board to that island to bring 100 or more foreign recruits to England. He submitted whether such proceedings ought to go on any longer? The charge for the dépôts of troops at the Isle of Wight, Maidstone, and Chatham must be revised: that at Maidstone was very objectionable, and, he believed, unnecessary, kept up, as he understood, to give a command to the general officer now there. Could it be necessary to keep up wooden barracks at Maidstone at a great expense for repairs and separate staff, when there were at Chatham and other places excellent brick barracks remaining empty, and kept up at little expense? He could only call it a job. The establishment of Albany barracks had an extravagant staff, with floating craft, &c. quite uncalled for, at the present time. He hoped that these dépôts would be much reduced before next year.

With regard to the number of the Army, he thought the noble marquis must consent to a large reduction. He would never again be able to pass his estimates for more than 60,000 men; he had better, therefore, come forward with a good grace, and make the necessary reduction, before he was compelled, for compelled he would soon be, in spite of all his objections.—The next subject worthy of attention was, the great expense of the establishments of Chelsea and Kilmainham Hospitals, which, he was confident, might be consolidated with great saving and advantage. He thought that all the military establishments now in Ireland ought to be placed directly under those in London, and much of the jobbing and waste which took place in that country be prevented. He had now done with the army.—Having at different times brought every department before the House, and pointed out where very great reductions might be made, it was for them to enforce them. He begged now to make a few remarks on the Navy, and first with respect to the dock-yards. Ministers must be aware that great dissatisfaction existed in the minds of all who witnessed the shameful waste of public money in these places. Immense sums were paid to the officers who received salaries, whilst the pay of the workmen was reduced. The clerks and officers received the same pay and allowances now as they did during the war; they received more, indeed, as the income tax of ten per cent was deducted from them then, and not now. They had in war to superintend the work at double tides, early and late; now the work went on only for six or eight hours in the day. Was it just that, with the present prices of provisions compared with 1813, they should continue to receive the same allowances, whilst the workmen were all reduced? He thought the government should purchase no more foreign oak: large purchases had been made from the Austrians at high prices. We had plenty of navy timber in England, better than any that could be got from the Adriatic, and money should not be spent in that manner abroad. One item more and he should have done with the navy,—it was the keeping up an admiral at Portsmouth and Plymouth at an expense of near 4,000*l.* at each place. It was proper in time of war, when the number of ships at each of these places was great; but at present, when there were only three ships or so under each station, he considered the large establishment of secretaries, table allowance, &c. too high. In 1792, he understood a rear-admiral commanded each of these stations, at an expense not exceeding 1,476*l.* a year, whilst an admiral's staff amounted to 3,786*l.* By returning to the practice of 1792, there would be a saving of 4,191*l.* without any injury to the ser-

vice. With respect to the Ordnance, he trusted that the hon. member (Mr. Ward) would take into serious consideration the various reductions he (Mr. H) had recommended in that department, and that they would be carried into effect before next year. The Westminster and Tower establishment, ought to be immediately incorporated with great saving. He had formerly pointed out unnecessary establishments and expense to the amount of 216,000*l.*; but on more particular examination, he was convinced that upwards of 400,000*l.* could, with due attention to the public service be saved to the public.

He had now, he believed, adverted to all the points which required his notice. Those individuals who had, unfortunately for them, been exposed to his observations, might be assured that no offence was meant to any of them, and that to most of them, indeed, he was an entire stranger; but that he had been obliged, in the course of his public duty, to bring forward individual cases to support the statements he had made. He should indeed be sorry to offend any public officer. With respect to those hon. members who had submitted the different estimates to the House, he was sorry to have occasioned them so much trouble; but in no case had he done so without his having in view the public interests; and he hoped that the estimates of next year would render such a course again unnecessary. It was matter of regret to him, that he had not had time to consider the hon. member's (Mr. Bankes) address to his majesty, which he had made the amendment to his motion on a former evening. As upon consideration, taking it as a whole, he might have adopted it instead of his own. It was more likely to be binding upon his majesty's ministers, which was important, and it might have had a better appearance to the country if the House had agreed unanimously to a revision of all the departments, and a reduction of the army with the intention of lessening the expense of the country. He hoped that as the noble marquis had employed his hon. friend (Mr. Bankes) to propose the address to which he alluded, he would in future become a zealous supporter of economy and retrenchment, and that a reduction of expenditure, real and efficient, would speedily be effected. That reduction would not, he hoped, be effected at the expense of those individuals, whose incomes, even now, were scarcely sufficient to support them—he meant the junior clerks, and those who actually did the work, as they were entitled to be well paid. The reduction which the country would alone view with satisfaction, must be the reduction of the salaries of all the great officers, beginning with his majesty, the highest in the state [Hear!]. He would now remind the noble marquis, that when he (Mr. H.) first opposed the large military establishments, a gallant officer (general Vivian) stated to the House, that if he persisted in the course he had begun, he would prove "a dangerous or a mischievous man." Upon that occasion, he (Mr. H.) replied, that he trusted he should, before he had done, prove one of the best friends of the noble marquis and his colleagues. He thought he had kept his word. He had convinced them, that the best way to obtain the confidence of the nation, was to show that they were really and sincerely determined to reduce the expenditure of the government to the lowest possible scale, consistent with the safety of the country. He did not see the gallant officer to ask him what he now thought of his conduct; but he hoped the noble marquis and his colleagues were convinced that he had been their very best friend [Hear, hear!].

The Marquis of *Londonderry* said, he could assure the hon. member, that it had been the intention of government to adopt economical measures, before the address was voted by the House. The conduct of ministers would have been the same, had neither of the addresses been moved. In the Address which the House had voted, and which was certainly more pointed than that proposed by the hon. member, ministers had given pledges which they would strictly perform. He was glad to see the hon. gentleman in such good humour, and to perceive that the debates of the session had not soured his good temper, which would, he doubted not, render him a valuable acquisition to the society he was about to join.

HOUSE OF COMMONS.

Saturday, June 30.

GRANT TO THE DUKE OF CLARENCE —CORONATION OF THE QUEEN.] On the order of the day for receiving the report of the committee on the Duke of Clarence's Annuity bill,

Sir *R. Fergusson* gave his decided ne-

gative to the payment of the arrears. He wished to know, as the day for the coronation was fixed, whether her majesty was to be crowned or not?

The Marquis of *Londonderry* said, that her majesty had claimed, as a right, that she should be crowned; but, as he understood the matter, she had no such right. It was entirely in the discretion of the Crown whether or not her majesty should be crowned: and the advice of ministers was that she should not participate in the ceremony.

Sir *R. Fergusson.*—I wish to ask when that application from her majesty was made?

The Marquis of *Londonderry.*—A few days ago.

Sir *R. Fergusson.*—I should be glad to know whether her majesty's counsel, or the legal advisers of the Crown, were consulted on this occasion?

The Marquis of *Londonderry.*—I do not apprehend that I am here to answer every question the gallant officer may think proper to put to me on the subject.

Mr. *Denman* said the questions were put to the noble marquis as a member of parliament, and not with reference to the situation of a privy councillor; and being applied to in the former character, he ought to answer questions touching grave matters of state. In answer to an application made by the Queen on Monday last, it was stated that the law officers of the Crown would be consulted on the subject. Now, as the omission of the Queen's name in the Liturgy was declaring virtually that she should not be crowned, he was surprised that the same parties should be again consulted who had, as it were, already expressed a decided opinion. But as it appeared from the answer given by lord Sidmouth to lord Hood, that her majesty's application was now under consideration, it might be fairly inferred that there was claim enough on the part of her majesty to entitle her to be heard before the council on the subject of that claim. It did appear to him most extraordinary, that from Monday to Saturday no definite answer had been given, on a point which should have been as clear as the day, before that step was taken, which, indeed, amounted to an exclusion from the ceremony of the coronation.

The Marquis of *Londonderry* said, he had never given any opinion whatsoever on her majesty's legal claim. What he understood was, that the legal claim was undergoing a discussion, and that in a short time a decision would be had on it; but he did distinctly state, that he considered that which was claimed as a right, to be a matter of discretion vested in the Crown. As this point was mooted in parliament two months ago, it was very singular that this legal claim was not then boldly advanced. It was curious that her majesty's legal advisers should stand still on the subject, until the very eve of the coronation, and that now her claim should be introduced for the first time. If there had been a clear and plain view of her majesty's legal claim, it should, and probably would have been brought forward much sooner, instead of making it a pretext now to bring the coronation into hatred and contempt.

Mr. *Denman* said, that so far from feeling that any thing like a reproach could attach to her majesty's legal advisers for the course they had pursued, it appeared to him that they would have acted improperly if they had put this claim forward until it was perfectly clear, that the coronation was about to take place. He thought her majesty's legal advisers had some right to complain of the delay which had occurred in giving an answer to her majesty's application. The ceremony was in itself a pageant, but the custom of the country gave the Queen a right to participate in it. Ministers ought to have been prepared with a speedy and decisive answer whenever the application was made; but this delay showed, at all events, that such a doubt existed, as entitled her majesty's legal advisers to be heard before the council.

The Marquis of *Londonderry* said, it was easy to give an answer with respect to the discretion vested in the Crown. That was only one part of the question; but when a decided claim of right was made, it was necessary that it should undergo the usual course of investigation. When the learned gentleman complained that an immediate answer was not given, he might be permitted to observe, that he saw nothing of that extraordinary degree of facility in the conduct of the learned gentleman himself, when he suffered so many days to elapse between the notification of the period for which the coronation was fixed, and the introduction of this claim of right.

Mr. *Scarlett* conceived it was not fair for the noble lord to speculate on the motives which caused the delay in pre-

ferring that claim. The "law's delay" was proverbial; but in this case, he believed it would not be injurious to the legal rights claimed by the Queen. Of course, when her majesty suggested any point, her legal advisers furnished her with their counsel and assistance; but he supposed they were not in the habit of originating proceedings. If her majesty had claimed to be heard before the privy council, he thought the request ought to be conceded to her. He believed there were but two instances on record that bore upon it. [A member said, there was but one.] In point of fact, there was but one case of a queen-consort not having been crowned; for it was a vulgar error to suppose that the queen of Henry 7th was not crowned. He was crowned before his marriage, because he was anxious that his claim to the throne should be acknowledged as soon as possible; and she afterwards. Henrietta Maria, the queen of Charles 1st, happened to be a Roman Catholic; and though the proclamations of that day intimated that she should be crowned, the ceremony did not take place. The queen was present at the coronation, but she was not crowned. That she did not participate in the ceremony, was, however, the act of the parliament, and not of the king. If this were the only case, it became a matter of very grave consideration how far it bore on the question, whether or no, when the coronation of the king took place, a claim being made on the part of the Queen-consort, her majesty could legally be excluded? It became a question whether her majesty's right to be crowned was not a matter of custom and of law.

The Marquis of *Londonderry* said, that this was too grave a subject to be discussed in this incidental manner. He hoped it would not be inferred, from any thing which he had said, that her majesty would not be heard before the council.

Mr. *Bernal* objected to the bill now before the House, and entered his solemn protest against granting the arrears. He really thought that there was a source of royal bounty, which ought to be open to the duke of Clarence, if he was fettered with debts. It was much more becoming that the liberality of the Crown should supply his wants, than that recourse should be had to this injudicious and unconstitutional mode.

Mr. *R. Martin* defended the grant, on the ground that the younger branches of the family of the late good old king should have sufficient means to support their rank and dignity among the English nobility.

Mr. *Watson Taylor* said, the duke of Clarence did not formerly refuse the grant on account of advice given to him by any individual in office, but on the suggestion of his private and personal friends. They represented to him that having required 10,000*l.* a year from parliament, if he afterwards accepted of 6,000*l.* as sufficient, it would seem as if, in the first instance, he had endeavoured to procure a sum of money under false pretences. In consequence of this representation, he declined the grant.

Colonel *Davies* said, he had given his vote for the arrears, but he protested against the grant being considered a claim of right. He thought it rather hard on his royal highness that any hasty resolve of his should be severely visited on him. He wished to uphold the credit and character of the royal family, and that consideration had influenced his vote. With respect to the coronation, he would not give one shilling towards it beyond what had already been voted.

The bill was then reported.

HOUSE OF LORDS.

Monday, July 2.

ECONOMY IN THE PUBLIC EXPENDITURE.] The Earl of *Darnley* rose in pursuance of the notice he had given. The subject to which he wished to call the attention of their lordships was that of Economy in the Public Expenditure. Upon no occasion had ministers denied the necessity of economy, but they had never before gone so far as to make the admissions they had within these few days done in the other House. A resolution had, at their own suggestion, been adopted, which, though it differed in words from that which was originally proposed, equally pledged them to a system of economy; and the necessity of economy must be evident to their lordships when they considered that the estimates of this year were, with the exception of the last, larger than they had been during any year since the restoration of peace. What must impress their lordships with the necessity of inquiry was, that, notwithstanding all that was said on the prosperity of the country, an investigation which had lately been made by a committee of the other House of parlia-

ment, proved that agriculture, the most important of all manufactures, was in a most deplorable situation. For this state of distress, the committee say, that, after a long and anxious inquiry, they have been able to discover no remedy. It was plain that if the present rate of taxation continued to press on the farmers, they could not pay their rents out of capital much larger. It might be asserted here, as it had been in another place, that the present distress was not owing to taxation. It had, however, been thought advisable to adopt a measure of relief from taxation which he could not but consider in the light of a tub thrown to the whale—he meant the repeal of the agricultural horse-tax. That repeal would not be a reduction to the amount of 2 per cent on the rental of the kingdom. As a removal of a direct tax on agriculture the measure was certainly beneficial; but it was not direct taxation from which the farmer chiefly suffered, but from that general weight of taxation which pressed upon him, in common with the rest of the community, in various indirect ways. While the value of his produce was failing, the difference in the value of money increased the weight of his burthens. He trusted that the country would always keep faith with the public creditor in whatever manner the money was borrowed; but if agriculture, the main spring of public prosperity, failed, it was impossible to say to what measures the country might be driven. The only resource that remained was, to diminish the expense of the public establishments. If they set about the work of reduction in earnest, five millions might, he thought, be easily saved to the country. The first department to which he should advert was the naval service. On looking over the papers on the table, he could not but perceive that the navy, in point of fitness for war, was at present all that was necessary, and that it might be maintained in a sufficient state of fitness at a less expense. And here he must observe, that since the termination of the war, very great exertions had been made to bring the navy to its present efficient state. The present force, in fitness for sea, was 84 line of battle ships, besides frigates: which far exceeded the force of the other powers with whom this country could be placed in a state of hostility. Under such circumstances, could it be necessary to add to this force the number of ships ordered to be built, which amounted to 22? It certainly appeared that a material reduction might be made in the expenditure of this department. He had heard that it was in contemplation to abolish the dock-yard at Deptford; and upon looking at the estimates he found that that would make a saving to the amount of 141,307*l.* a year. There was besides a contingent charge for ships in ordinary of 310,000*l.*, and for rigging and stores 831,000*l.*, from which a large deduction might be made. In short, it appeared that the country would remain, with respect to the navy, in a state of equal security, if half a million were lopped off from that department. But it would be necessary for their lordships to go much farther than this. The completing of the bason and dock-yard at Sheerness still required, according to the estimate, more than 1,200,000*l.*, of which not less than 280,000*l.* was intended to be expended in the course of the present year. A great part of this expense might be saved. He would propose to allow 160,000*l.* for the expenditure of the present year, which would be a saving of 120,000*l.* Reducing the whole estimate in the same proportion, a saving of 800,000*l.* might be made. With respect to the army, considerable retrenchments might be made. On looking at the estimates, he found the expense of the horse and foot guards 315,000*l.* Why, in the present state of the country, was it thought necessary to surround the throne with more household troops than formerly? A diminution of this force might be easily made, which would produce a saving of 80,000*l.* The regular cavalry formed a very large force, especially when it was considered that a large body of yeomanry cavalry was also maintained. If the latter was necessary for the internal police of the country, there surely could be no pretence for keeping up so large a force of the former. He thought the country would go on just as well with the regular cavalry diminished one-fourth, which would produce a saving of 120,000*l.* In defence of the great force of infantry maintained, it was contended, that the immense extent of our colonial possessions rendered a greater number necessary than formerly. Making allowance, however, for colonial garrisons, the infantry might be reduced one-tenth, without producing any inconvenience. This would make a saving of 400,000*l.* From the estimate for barracks, which was above 260,000*l.*,

he proposed to take 160,000*l*. The estimate for the commissariat which exceeded 500,000*l*., he proposed to reduce one-fifth, making a saving of 100,000*l*. The extraordinaries might be reduced one-tenth, which would also save 100,000*l*. With regard to the ordnance, he admitted that it was necessary to have in that department a more forward and extended preparation, with a view to meet hostility, than in any other military department; but those who made economy their object would find opportunities for exercising it in this branch of the public service also. The sale of lands, and of buildings which had been erected in a time of profuse expenditure might be now resorted to with advantage. It would not be too much to expect a saving of 100,000*l*. in this department. From the estimate for miscellaneous services he proposed to make a reduction of 10 per cent, which would produce a saving of not less than 200,000*l*. He came next to the civil list. It was certainly proper that royalty should be surrounded with all necessary splendor; but in seasons of difficulty nothing could more contribute to make the people bear privations with resignation, than the example of sacrifices being set to them in the highest quarter. Their lordships well knew that queen Anne had, in a time of exigency, made a considerable sacrifice of her income. He did not dispute the propriety of celebrating the coronation in times of prosperity, and would never object to any necessary expense for supporting the dignity of the Crown; but in a crisis of difficulty every practicable saving should be attended to. But there were other parts of the civil list which might be reduced, and in particular the expense for ministers at foreign courts. From this department it would be easy to add 150,000*l*. to the savings he had already enumerated. He would next advert to the charge for collecting the revenue. It appeared from the accounts that the expense of the collection was 4,360,000*l*. on a revenue of 60,000,000*l*., which was at the rate of 7 per cent. In Ireland the expense of collection was double that of this country. It could not be doubted, that with proper management, a considerable portion might be saved. A great expense was occasioned by the emoluments of receivers-general, who enjoyed large incomes without having any duty to perform. It would, he believed, be easy so to reduce the expense of collection, as to save 1,500,000*l*. The noble lord concluded by moving, "That an humble Address be presented to his Majesty, praying that his Majesty will be graciously pleased to take into his immediate and most serious consideration the difficulties and distresses of his faithful subjects, and especially of that very important description of them, whose wealth and subsistence more immediately depend on agriculture; and that his Majesty will be graciously pleased to give such directions as to his Majesty's wisdom shall seem most expedient to diminish the public expenditure in all the great departments of the state, both civil and military, as the only effectual means of permanently relieving those difficulties and distresses which, if not principally occasioned, are at least materially aggravated, by the pressure of accumulated taxation."

The Earl of *Liverpool* said, that the subject which the noble lord had brought under consideration was one which would require a great deal of their lordships' time to discuss in detail, and there were circumstances in his own situation which would induce him on this occasion to be brief. He should, however, endeavour, in as few words as possible, to place the subject in a point of view which, if not satisfactory to the noble lord, would, he hoped, be so to the majority of their lordships. The noble lord had dwelt much on the statements in the report of the other House on the state of agriculture. An opinion was expressed in that report that no legislative measure could be proposed as a remedy for the evil of which the petitioners complained. He concurred in this declaration. He would also go a step further, and say, that in his opinion inquiries which could end in no practical result were always likely to produce evil. The agricultural class doubtless laboured under great distress, but those who attributed that distress to taxation did not take into consideration the fact that there was not a country in Europe, and even America, in which similar distress did not exist to as great a degree. In Russia, Poland, and in most parts of Germany, the distress was infinitely greater than in this country. With respect to the United States, where taxation was light, greater distress was experienced than in this country. The distress, in fact, was general. It was not owing to any artificial system of this country, but to the artificial state into which the whole world had

been forced by an extraordinary war of twenty-four years' duration. The artificial situation in which Europe was placed led to exertions greater than ever had been made before; and when things returned to their natural level, the revulsion unavoidably produced the effects which had been witnessed. The noble lord had allowed that some of our manufactures were flourishing, but with regard to others he had not considered the effects which a glut in the market might at particular moments produce on agriculture. It was however indisputable, that the great branches of our manufactures were now flourishing, and the greater part of the rest were far from being in an unfavourable state. In adverting to the situation of the farmer, the noble lord had not taken into consideration the balance produced by the change of circumstances. When he spoke of the expense of the wages of labour, he forgot how that was reduced by the cheapness of provisions. Every evil of the kind in question had a tendency to right itself; and when, in such a state of things, a cure was atttempted by artificial remedies, the cure not only failed, but the attempt prevented that remedy which would in time have been produced by the natural course of things. As to economy, as far as it could be practised, consistently with the safety of the country, that was a proper and safe remedy. But the noble lord did not do justice to ministers if he supposed them either backward to consider the means of economy, or neglectful of enforcing it when opportunities offered. The estimates of the present year had been reduced 1,800,000*l.* under the expenditure of last year. Their lordships would also recollect, that in 1817 a commission was appointed to inquire into the Customs. In consequence of the labours of that commission there had already been a saving of 80,000*l.*, and measures were in progress for producing a saving of 200,000*l.* more. But in all measures of this kind it was necessary to guard against doing injustice to individuals. In enforcing economy, what time had created could not be left out of consideration, and persons who had performed long and laborious services could not be left destitute. These reductions were pursued as rapidly as could be done consistently with the claims of justice and the interests of the public service. He allowed to the fullest extent the principle of economy within those limits. Every retrenchment that could be made ought to be made. The noble earl had stated our present naval force to be 84 sail of the line, and had expressed his opinion, that without any increase it would be sufficient, in case of emergency, to cope with the navy of our neighbours or rivals. But the noble earl must know, that though our force was at present 84 sail of the line, and might be sufficient, it could not continue so, unless repairs were made or new ships built. He must bring into view one thing which the noble earl seemed to have forgotten; namely, that a great proportion of the expenditure of the army consisted in half pay and allowances, which could not be reduced because guaranteed by the national faith. These fixed payments amounted to more than the whole peace establishment of 1792, and would, so long as they continued, prevent us from reducing our military expenditure in the same proportion as we reduced the numerical force of the army. He was at the same time willing to admit, that there existed peculiar circumstances in the present state of the country, to induce us to reduce our expenditure as low as possible —to make every exertion to economise. As, therefore, an address had been carried in another place, representing to his majesty the necessity of economy and retrenchment, and as it might be some satisfaction to their lordships to see a similar resolution on their Journals, he would propose an address in which he believed their lordships would concur, as an amendment on the motion of the noble earl. The noble earl concluded by proposing that, after the words "an humble address be presented to his majesty," the following amendment should be substituted for the original motion:—"to assure his majesty that we have regarded with satisfaction the measures taken by his majesty's commands for a general revision of expenditure in the department of the Customs of Great Britain, and to entreat that his majesty would be graciously pleased to direct a similar investigation to be extended to all the other branches of the revenue, in order to render its collection more economical and its management more efficient. And that, for giving further relief to the country, his majesty would be graciously pleased to direct a more minute inquiry into the several departments of the civil government, as well for the purpose of reduc-

ing the numbers employed, as with reference to the increased salaries granted during the late war, and since the year 1797, in consideration of additional labour thrown upon individuals, and the change in the value of money. And further, that his majesty would be graciously pleased to direct that every personal saving consistent with the public interest shall be effected in those more extended departments of the public service which the country is obliged to maintain, and more especially in the military expenditure, by a reduction in the numbers of the army, and by a constant and vigilant supervision of all the departments of the state."

Earl *Grosvenor* said, that this was not the first time the noble earl opposite had admitted the distresses of the country, and pledged government to economy. He had heard from him, nearly verbatim, the same observations on several former occasions. The noble earl professed that he could not go along with his noble friend in his proposed reductions, but the noble earl had not pointed out their impracticability. In the justness of the description given by his noble friend, of the distress under which the country laboured, the noble earl concurred; but instead of pointing to its natural remedy, he satisfied himself with finding a parallel for it in other countries. But the distress of other nations furnished no reason why we should not endeavour to alleviate ours by economy; or why our government should not become a government of parsimony instead of profusion. The noble earl stated that this year there had been a reduction of 1,800,000*l*. He was afraid that the apparent saving arose from the confused manner of our public accounts. We still owed in unfunded and funded debt 850 millions; and the sinking fund, which was nominally 17 millions, had been reduced in its operation to 4, by borrowing 13 millions for the public service. He was not even sure that there was any thing but a mere nominal sinking-fund. With a funded debt of 800,000,000*l*., and a floating debt of 45,000,000*l*., we were supporting establishments which could only be justified by the most flourishing state of our finances. At present, every thing in the metropolis wore the appearance of gaiety and prosperity, but the appearance was deceitful: our flourishing condition was a whited supulchre, fair on the outside, but within full of rottenness. Meanwhile, all the great interests of the country were suffering; our agriculture was depressed, and most of our other branches of industry languished. We were now in the seventh year of peace; and, allowing for the common chances of war, we might not be further than as many more from renewed hostilities. Yet we had done nothing to recruit our strength, to lessen our burthens, or to meet with renewed vigour and spirit any fresh attack on our national honour or interests. In the midst of these difficulties the public distress was aggravated by the manner in which the money was spent. He was convinced that the expenses of the coronation would far exceed the estimate at first stated; but this was not his greatest objection. The ceremony was altogether unnecessary, on the only ground on which it could be justified, in the present state of the country. It conferred no new right: it imposed no new obligation on the king or his people. This rendered the ceremony a mere useless pageant; but in the peculiarly unfortunate circumstances of the court, the coronation was not only unnecessary but highly injudicious. He was one of those who thought that even if the law had been clear against the right of her majesty to be crowned, and that though her coronation were merely a matter of grace and favour, yet, that the coronation of his majesty would be an injudicious measure, while she was not allowed to participate in the ceremony. His objection was much strengthened if the law was in favour of her majesty's claim. He could not but allude to a report which he had heard—that all the troops from the neighbourhood were to be called into the metropolis on the occasion. If this was true, he reckoned it an insult on the people of this country. Could his majesty not proceed in safety from the hall to the abbey, except through files of soldiers? Was a suspicion so repugnant to the feelings of Englishmen to be entertained as that his majesty could not trust himself among his people; that in being surrounded by his subjects, he was surrounded with assassins and cut-throats? Though he would have preferred his noble friend's motion, he would rather agree to the amendment than have no address.

Lord *Melville* said, he would not dispute that 84 sail of the line in time of peace was a sufficient naval force; but the

noble lord would see by the papers on the table, that only 40 of these could be reckoned durable. The expenses had been reduced last year, and would be more so in the ensuing. The works at Sheerness would be finished next year, and then a reduction of one-half of the expenditure might be looked for.

The Earl of *Carnarvon* preferred the motion to the amendment, because it was most fair and manly, and expressed most plainly the objects intended. But his principal reason for rising was, not to advert to what had passed in debate, but to what was the cause of the enormous distress under which the agricultural and other interests laboured. How did it happen, that after so long a period since the peace, and when the evil seemed to have reached its *maximum*, we had been plunged into fresh embarrassments, and seemed falling into another abyss? He would answer the question: we were suffering because, having long used a deteriorated currency, and contracted a great nominal amount of debt in that currency, we had now restored the circulation to its ancient metallic standard. Coupling the operation of the bill for restoring cash payments with the progress of our national distress, the connexion between them would be found to be that of cause and effect. We must recollect that in passing this bill we had practically added, by one stroke of the pen, 200,000,000*l.* sterling to the enormous amount of our national burthens. If their lordships could not retrace their steps, and establish a standard more conformable to that which had existed during the twenty years in which the national creditor acquired his mortgage on the national property, the recoil of the landed interest on the public creditor would be dreadful, and the latter would suffer in his turn that distress which was now the portion of the former. But if they had gone too far to recede, the only other plan that could be suggested was, to reduce our taxation to an amount commensurate with the increased value of the currency, or, in other words, increased pressure of taxes. If they wished to save the country from this enormous distress, they must not think of doing so by little savings, but by a reduction equivalent in amount to the change operated by the Cash Restoration act. While he stated this change in our circulation as the gigantic cause of our sufferings, he called upon the House to consider the consequences, in a constitutional point of view, of destroying by its means the aristocracy of the country—the gentlemen and the yeomanry of England, on whose existence our institutions alone could rest. The monied interest had been formed by the calls of our finances; they could be removed; they were inhabitants of this or of any other country; but the stability of our institutions, and the safety of the throne itself, depended on our agricultural population, on the *adscripti glebæ*. He would give his vote for the motion; but he was free to say, that no suggestion of economy which he had heard was sufficient, in his view, to counteract the operation of the Currency Restoration act.

Lord *Calthorpe* could not help thinking, that after the candid manner in which the question had been met by the noble earl at the head of the Treasury, his noble friend must feel that his object had been obtained, and that consequently he would not press his motion to a division.

The amended Address was then agreed to.

HOUSE OF COMMONS.

Monday, July 2.

GRANT TO THE DUKE OF CLARENCE —CORONATION OF THE QUEEN.] On the order of the day for the third reading of the Duke of Clarence's Annuity bill,

Mr. *Creevey* rose to call the attention of the House, and still more of the public, to the time at which the subject was brought before parliament. When a motion for repealing the Malt tax was carried in that House, the number of members present being 274, the noble marquis declared, that the House was too thin finally to determine on so important a subject; he advised gentlemen not "to halloo before they were out of the wood," and in the end, he actually did convert the majority of 24 for a repeal of the tax, into a majority of 98 for its continuance. Again, when the hon. member for Cumberland succeeded in inducing a House of 254 members to agree to a repeal of the agricultural horse tax, the chancellor of the exchequer said, that it was too small a House, and that he would try his hand again; a resolution, however, from which he had subsequently been diverted. A House of 274, or of 254 members, was too small to discuss a subject in which the interests of

the people were at stake; but when the proposition was for the benefit of the Crown, or any of its members, the noble marquis had no objection to a House such as that which he was then addressing—a House, the majority of which was composed of placemen. If ever there was an unanswerable case in favour of any proposition, the present state of the House furnished such a case in favour of the proposition of his hon. friend the member for Shrewsbury, to exclude placemen and pensioners from seats in parliament. At the late period of the session, placemen, always formidable, became still more so. They were as numerous in the House as ever, while other hon. members, fatigued with the laborious duties which they had so long continued to perform, were gone out of town. Then came the noble marquis and his right hon. colleagues, and availed themselves of so advantageous a position of circumstances to get money from the House for some one branch of the royal family. It was highly objectionable to bring forward such a proposition, when it must be decided by such a House as that which he was addressing.

Mr. *Becher* declared, that he had never heard a proposition so unprincipled and so extravagant, as the proposition to pay what were called the arrears. To acquiesce in such a proposition, would be to show that the House was indifferent about that economy of which so much had been said. He should vote against the payment of any arrears; but the prospective grant of 6,000*l.* a-year, seemed to him to rest on different grounds. He was as anxious as any man, that all the branches of the royal family should be maintained in becoming splendor; and in that view he should have supported the measure for conferring this additional income upon his royal highness, but that his hon. friend, the member for Aberdeen had shown that by giving him 3,500*l.* a-year of additional income, they would place the duke of Clarence on the same footing as the other younger brothers of the royal family.

Mr. *Monck* felt himself bound to oppose the grant. In the present situation of the country, the simple consideration for the House was, whether strict necessity or justice required such an expenditure. The only way in which ministers could be made to be economical was by lopping off some of the taxes, and thereby depriving them of the means of being otherwise.

Mr. *Brougham* hoped, that as he was not in the House on Saturday, he would be allowed to offer an explanation of the alleged delay which had taken place in asserting her majesty's claim to be crowned. The noble marquis had stated the delay to be about two months from the time that ministers had intimated their own opinion on the subject. To show the inaccuracy of this statement, it would be necessary to refer to dates. On the 21st of May, a question was put by his hon. friend (Mr. Monck) which was answered by the chancellor of the Exchequer; and in the course of the conversation which followed, the noble marquis stated his opinion. Something had been said respecting an authority for her majesty to attend the coronation: but it was clear that there was no necessity for any such authority, as her majesty had a right, as a subject, to attend the ceremony as a spectator. The noble marquis also said, that there was no right so clear as that of the Crown with respect to this subject; and that the coronation of the queen-consort depended upon the grace and favour of the king. He at that time protested against the doctrine of the noble marquis; adding, that he had not made up his own mind on the legal question —and protesting against the doctrine of the noble marquis, lest his silence on that occasion should be construed into assent. This was what had taken place on the 21st of May. It was not the duty of her majesty's law officers to put in her claim immediately upon this. It was their duty to wait her majesty's orders, as they were not her responsible advisers like the ministers of the Crown. Besides, as the coronation had been appointed in the preceding year, and had been postponed, it became proper to wait until there was almost a certainty of its actually taking place. The proclamation appointing the ceremony this year was dated the 9th of June; and inserted in the Gazette on the 12th. The memorial claiming her majesty's right to be crowned was settled at his chambers eleven days afterwards; and upon a subject of such great importance he was not disposed to take any great blame to himself for a delay of eleven days, even had that not (as it had) been partially caused by the indisposition of Dr. Lushington. The holidays had also intervened, and the British Museum was shut, to which place access was required for the purpose of making

some searches connected with the subject. The memorial was sent in on the 25th, and as yet no answer had been returned to it. There were now seventeen days to intervene before the coronation, but there was ample time to alter the arrangements, and yet keep strictly within precedents. There was an instance on record, of a proclamation giving only sixteen days notice of the coronation itself; and another, of an alteration in the arrangements being ordered only two days before the appointed day.

The Marquis of *Londonderry* said, he had not intended any reflection on her majesty's legal advisers in their professional character. He had merely contrasted the rapidity with which they had expected an answer, with the slowness of their own movements in making the legal claim. The 21st of May was not the only occasion on which the opinion of his majesty's ministers had been intimated to the Queen. Between that day and the 21st of June, her majesty addressed a letter to the earl of Liverpool, desiring to be informed what arrangements had been made for her convenience, and who were appointed as her attendants on the approaching solemnity. An official answer was returned, stating that it was a right of the Crown to give or withhold the order for her majesty's coronation, and that his majesty would be advised not to make any order for her majesty's participation in the arrangements. The Queen rejoined insisting on her right, and declaring that she should attend the coronation unless she were absolutely prevented. A respectful but equally peremptory answer was returned to her majesty, repeating the legal right of the Crown, and declaring that the former answer must be understood as amounting to a prohibition of her attendance. These proceedings clearly showed that her majesty was fully aware of the course intended to be taken by the government. There was on Saturday, a significant manner and an accusing tone about the hon. and learned member (Mr. Denman), as if there had been on the part of ministers an absolute denial of justice. Now, with these facts before the House, he would ask, whether it was not rather hard to call ministers over the coals and blame them for the delay? Respecting the hearing of her majesty's law officers before the privy council in support of the claim, he had to state to the House, that this had been asked that very morning for the first time. A memorial dated on Saturday last had that morning been received from her majesty, addressed to the king, and desiring to be heard by her counsel in support of the claim. This however was informally addressed, it being addressed to the king in his sovereign capacity, and not to the king in council. It would have shown a want of respect to her majesty's claim, if, when it had been formally presented, it was not referred to the legal officers of the Crown. Both applications were equally informal; but they had both been attended to. Upon the first, her majesty had been informed that no directions would be given to include her in the arrangements; and with respect to that which had only been received this morning, he had to inform the House that it was immediately laid before his majesty, who had given directions that the Queen should be heard by her lawyers before the privy council—it being first clearly ascertained, that this was no right, but was a grace and favour.

Mr. *Denman* certainly thought her majesty's advisers had a right to complain that no answer had been sent to the memorial from Monday to Saturday last. The application itself, he contended, it would have been improper to make until the actual celebration of the solemnity had become morally certain. With respect to the former application, alluded to by the noble marquis, he trusted the noble marquis would pay him and his learned friends the compliment to believe that they had not prepared it; in fact, it had been presented while they were on the circuit, and they of course waited for her majesty's personal instructions on the subject. It had been represented that he had said, that the exclusion of her majesty's name from the Liturgy, was of itself a warning that she would not be crowned. He was not aware that he had ever made any such observation. If he had, it must have been incidentally, as he did not see that the exclusion from the Liturgy, necessarily led to an exclusion from the coronation.

The bill was read a third time. Mr. Bernal then moved to leave out "1818," and insert "1821." The question being put that 1818 stand part of the question, the House divided: Ayes 94. Noes 33.

List of the Minority.

Abercromby, hon. J.	Brougham, H.
Birch, Jos.	Becher, W. W.

Colburn, R.
Carter, John
Calvert, C.
Creevey, T.
Denman, T.
Denison, W. J.
Doveton, J.
Fergusson, sir R.
Fane, John
Gurney, H.
Grattan, Jas.
Hobhouse, J. C.
Hamilton, lord A.
Harbord, hon. E.
Lushington. Dr.
Martin, John
Mostyn, sir Thos.
Milton lord
Moore, Peter
Monck, J. B.
Paulett, hon. W.
Price, Robt.
Palmer, C. F.
Rumbold, C. E.
Rice, Spring
Sefton, earl of
Scarlett, J.
Sebright, sir J.
Whitbread, S.

TELLERS.

Bernal, R.
Bennet hon. H. G.

On the question, That the bill do pass, lord A. Hamilton moved as an amendment, "That a special entry be made in the Journals, that it be not drawn into precedent, that any pecuniary Allowance, or augmentation of Allowance, be granted by this House to the junior branches of the Royal Family, either founded upon the Resolution of a Committee of Supply of a former Parliament, as has been done in in the present case, not only of a former Parliament, but also of a former reign, or without the usual and accustomed forms of a Message, and a recommendation from the Crown upon the subject matter of such grant." The amendment was negatived, and the bill passed.

POOR RELIEF BILL.] On the order of the day for resuming the adjourned debate on the re-commitment of this bill,

Mr. *Scarlett* said, he did not rise for the purpose of opening a discussion on this subject. His object was to withdraw the bill for this session. It had been his wish and determination that the bill should not pass without ample discussion. He need not remind the House of the causes which had prevented him from attaining that part of his object. He postponed it also, in order to have an opportunity of acquiring strength to make an adequate reply to the gallant member (sir R. Wilson). He knew that the gallant general had got together a great mass of legal matter to oppose him with. He confessed, that in order to meet this terrific battery, he was anxious to have a little time to brush up his law. He was aware that many inflammatory and calumnious misrepresentations had gone abroad on this subject. He assured the House that his motives in meddling with the matter were of the most pure description. He felt that the existing system of Poor-laws was most oppressive on one hand, and that it defeated its own end on the other. He had no motive but to restore the ancient system to its primitive state and intention. The only essential difference was, that the facility of removing paupers from the places of their residence was exploded. He proposed to renew this measure next session. If he should meet with encouragement he should bring forward another bill for the greater discrimination of the moral claims of those who sought relief, to prevent the profuse expenditure of the Poor-rates in some respects, by taking away some provisions, which acted as a premium for pauperism. One of these was the rule, that every man who had two children, and was not possessed of property to a certain amount, was exempted from serving in the militia. This might appear very reasonable in itself, but its effect certainly was to deprive the militia, and throw upon the parish many able bodied men. For the present he should say nothing more, but merely ask permission to withdraw the bill.

Sir *R. Wilson* begged to assure the learned gentleman, that as it was his intention to renew this measure next session, he would find him at his post, prepared to dispute every inch of ground with him.

Mr. *H. Gurney* said, that as the hon. and learned gentleman threatened them with a renewal of these most dangerous discussions in the ensuing session, he could not allow the bill to be withdrawn, without the strongest protest he was able to make against all the principles on which it was founded. He maintained, that the understood right of the poor to reasonable support was as old as the law of England; that up to this time it had been the boast of England, that no man could be left to starve; that the learned gentleman's bill went to the reversal of the law of the land, the laws of nature, and the law of God, and that its only possible tendency would be, to make the country a scene of rapine and violence and utter confusion, from one end to the other. The hon. gentleman referred to Harrison's preface to Holinshed, in which he gives a description of the state of England in the 60 years between 1526 and 1586, a period during which a total revolution in the prices of all things had taken place, similar to that which we had witnessed in our own days, as affording a striking exposition of the situation in which we should have found ourselves, had we not been carried through, with whatever diffi-

culty and inconvenience, by the existing Poor-laws. The dissolution of the monasteries, a third of whose revenues at least went to the relief of the poor, took place between 1535 and 1539. In 1526, Henry the 8th began the debasement of his coin which he continued to deteriorate to the middle of the century. On this came the flow of silver into Europe from America; and now, Harrison tells us, there was every where great and increasing luxury; that the prices of wares were augmented five fold; that merchandize increased as prices advanced; that trades were more skilful, manufactures slighter; that 4*l.* of old rent was improved to 40, 50 and even 100*l*; that the small occupyings and the commons were withdrawn from the poor; and that though there were "more ground eared than ever, the price of corn was such, it was "impossible that the labouring man could reach unto it, but was driven to content himself with horse-corn." "Then," pursues Harrison, "some also do grudge at the great increase of people in these days." He says that the better part of the population were driven to emigrate to distant countries, and that the worse turned to rob; that there were in the country 10,000 regular thieves of 23 recognized fraternities, and that there was no county which was not infested by 300 or 400 wandering robbers, living solely by plunder. Harrison goes on to state, that "Henry 8th hung 72,000 thieves, and now the executions relaxing, those who dwell in the uplandish towns or villages shall live in but small safety or rest," and finishes by observing, that "the end must needs be that marshal law shall be executed upon them." During this period of 60 years there were ten regular insurrections. In thirteen years passed the Poor-law of the 43rd Elizabeth, and we have never had a rising of the Commons from that day to this. As to the clause impeding the marriages of the poor ["No no!" from Mr. Scarlett.] Mr. Gurney said he could hardly trust himself to speak on it. But it was an attempt to bring the detestable system of Mr. Malthus to bear upon the legislation of the country,—a system which every chapter of sacred history condemns, every page of civil history confutes, and every map of a half-unpeopled world, after a duration of near 6,000 years, proves the absurdity of. Mr. G. said, that hardly forty years had elapsed since Dr. Price had convinced the philosophers of his day, that the country was going so fast to depopulation, that there would not be enough of Englishmen left to till the soil of their fathers. But he hoped and trusted that that House would never be led to legislate on the theories of such philosophers as these; and least of all, to give any countenance to a doctrine which in this country should recognize a right in the rich, to say to the poor, that they had no business to be born; that it was in the order of nature that they should starve; and that whatever might be the abundance of his superfluities, from him they could demand nothing.

Dr. *Lushington* said, that he would certainly oppose such a bill, if he believed that it tended to degrade the poor; but his settled conviction was, that the increase of Poor-rates was an increase of misery. If he failed to express this conviction from any unpopularity to which it might expose him, he should prove himself destitute of moral courage. The effect of the present laws, was, to oblige the industrious and prudent to support the improvident and thoughtless; to mulct the single individual for the support of the married. Every country long inhabited had been obliged to have recourse to emigration. Why should England be an exception? The bill prohibiting artificers from emigrating was utterly unjust in its principle. He was glad, however, that the bill of his learned friend was withdrawn for the present; the public press, the great instrument of discussion in this country, would in the mean time examine its details, and when the House should come to consider it next session, they would be themselves better prepared, and the public would be found better informed respecting it.

Mr. *T. Courtenay* said, in reference to what had been observed with respect to the popularity sought by the opponents of the bill, that if any thing gave him cause to regret the part which he had taken, it was, the praises which he had received for his conduct, in a quarter from which he neither expected nor desired them. He hoped that the learned gentleman would give the House, in the next session, an opportunity of discussing the Poor-laws upon their principle, and of coming to a determination, either to abandon or maintain that principle. He should, for one, be prepared to maintain it. If out-voted, he must acquiesce; but he hoped that if the House should decide with him, for upholding the principle of the Poor-laws the supporters of the present bill would

join with him in endeavouring to amend the laws in detail, by way of modification and qualification. He was even inclined to believe, that if the first bill of the hon. and learned gentleman should be defeated, he should be prepared to support, with a slight variation, the second bill, which he had that night announced his intention to introduce.

Mr. *Harbord* said, he disapproved of the principle of the bill, though he was disposed to thank the learned gentleman for having called their attentions to a subject of great importance.

Mr. *C. F. Palmer* considered the Poor-laws as the chartered rights of the poor, and hoped the House would pause before it consented to touch them.

Colonel *Davies* conceived it to be unfair to take that opportunity of making general declarations against the measure. Although he had been desired to oppose it, yet so convinced was he of its necessity, and so friendly to its general purpose, that without pledging himself to support the precise bill, he felt that some measure of that nature was quite necessary.

Mr. *Monck* said, he considered the Poor-laws to be an ingenious device for obtaining the greatest quantity of labour at the least expense. They ought therefore to be abolished; but previously to any attempt of that kind, redress must be given of great and numerous grievances.

Mr. *Scarlett* said, he would state to the House the opinions of an individual, with respect to the tendency of our Poor-laws, who certainly did not deserve the imputation of advocating mad schemes. The person whose opinions he was about to state to the House was Dr. Franklin. That eminent individual had said, that "he was for doing good to the poor, but he doubted as to the means of effecting that object. In his youth he had travelled much, and he found that in those countries where most was done for the poor by the state, their situation was the most deplorable. He thought that those who passed the English Poor-laws took away the greatest inducement to frugality, industry, and morality; and had substituted a premium on idleness and crime. He was of opinion that a great change in the habits of the people would soon be perceived, if the Poor-laws were repealed."

The order was then discharged.

HOUSE OF COMMONS.

Tuesday, July 3.

CONSTITUTIONAL ASSOCIATION — PETITION OF W. BENBOW.] Mr. *Hobhouse* rose to present a petition from W. Benbow, late a bookseller in the Strand, but know a prisoner in the King's-bench prison. He stated, that the petitioner was arrested on the 21st of May last, on a warrant issued on the finding of two indictments for alleged libels; which indictments were preferred against him by a body calling itself, "The Constitutional Association." It seemed that the judges now thought themselves justified, in cases of libel, in holding the defendant to bail, not only for his appearance, but for his good behaviour also. The petitioner stated, "That on such arrest he was required to give bail, not only for his appearance to answer such indictments, but also for his good behaviour until the same should be tried. That the petitioner's friends, though perfectly ready to answer for his appearance, were unwilling to bind themselves for the indefinite and undefinable good behaviour of the petitioner; especially as it has been industriously circulated by the attorney for the prosecution, that their recognizances would be forfeited by the mere finding of a true bill against the petitioner for any other political offence, though such bill might be found upon false and *ex-parte* evidence, and though the petitioner might be ultimately acquitted of the charge." Now the words of the statute certainly did not require the judges so to hold to bail. They merely declared that it should be lawful for them so to do. "That the petitioner's trials must have come on in the course of last month, had not his prosecutors made them special jury causes. That, inconvenient and harassing as it was to be detained in prison, he flattered himself with the hope of being restored to liberty at the sittings after the present Trinity term; but, to his inexpressible astonishment, he is now credibly informed that his trial cannot take place, until the middle of October; and the assigned reason appears to the petitioner, most unsatisfactory and unwarrantable, namely, that the place where the Court of King's-bench now holds its sittings is to be occupied for some purpose connected with the approaching coronation." It was possible, in the case of this petitioner, that he might be confined thus for six months before his

trial, for an offence, of which the punishment, even upon conviction, might be only three months imprisonment. "That previous to his arrest, the petitioner was, by industrious application, gaining a comfortable maintenance for himself and family; but owing to the death of his wife, and to the tender age of his children, having no one to whom he could confide the management of his business, during the long imprisonment which he must now undergo previous to his trial, his creditors have made sudden demands upon him; he has been under the necessity of shutting up his shop, and his affairs are already in a state of insolvency." The petitioner expressed a hope that the House would take into consideration his aggravated sufferings.

The *Attorney-General* said, he had no doubt that, with respect to the bail required, the judge had exercised a sound discretion. With respect to the postponement of the sittings after term, in consequence of the coronation, he did not suppose that notion was well-grounded. If, however, it should appear to be so, he would willingly exercise his authority to shield the petitioner from any additional inconvenience on that account, by obtaining his discharge upon such security as he could give.

Mr. *Scarlett* said, that what had occurred was quite sufficient to show the inexpediency of taking such prosecutions out of the hands of the attorney-general, and committing them to the care of a common attorney. Under the existing law, booksellers were constantly liable to prosecutions for libel in cases in which their innocence of intention was completely manifest. The persons employed by the Constitutional Association might go and purchase, or order a book from a bookseller wholly ignorant of its contents; but who would nevertheless thereby render himself subject to a criminal prosecution. The time was sufficiently distant to allow of the calm consideration of a case of that kind which occurred in the early period of the French revolution. He alluded to the case of Mr. Johnson, who had been prosecuted and punished for selling a seditious libel. Mr. Johnson was a publisher of classical and other elegant works. Mr. Gilbert Wakefield wrote a political pamphlet, which he tendered to Mr. Johnson to print, but with which Mr. Johnson refused to have any thing to do. Having been printed elsewhere, a person went to Mr. Johnson's shop and desired to have a copy. Mr. Johnson happened not to be at home, but his shopman sent for a copy to the publisher's, and it was sold in Mr. Johnson's shop; the consequence of which was, that Mr. Johnson was prosecuted and punished. This was an example of the way in which booksellers were exposed if the law were enforced with rigour. Under such circumstances, it was not surprising that any man should find it difficult to prevail on his friends to become security for his good behaviour.

Ordered to lie on the table.

CONSTITUTIONAL ASSOCIATION.] Mr. *S. Whitbread* observed, that though he should consider himself deserving of blame if he at any time unnecessarily forced himself on the attention of the House, yet he should think himself still more worthy of censure if he allowed a subject like that which he was about to bring under its consideration to pass unnoticed. He had been in expectation that some gentleman distinguished for his talents and legal knowledge would have attacked the misnamed Constitutional Association. He had been disappointed, and had therefore resolved not to let the session pass without calling the attention of the House to a society as odious in principle as it had proved itself malignant in practice. A difficulty existed in opposing this society, because, though acting in disregard of every principle of justice and equity, it insidiously took shelter under some quibble of the law. He wished to avoid speaking in rash terms of this Society. He would allow that there were many persons of exalted rank connected with it. He believed, however, that these individuals had been induced to become members in consequence of the false title which it had assumed. He was sure that if, instead of being called the Bridge-street Constitutional Association for opposing disloyal principles, it had received the title of the Birchin-lane Plot, the names of the individuals to whom he had alluded would never have been seen in connexion with it. No person of the least understanding could fail to perceive that this society was set on foot only by a few attorneys, for their own private emolument. He did not blame these attorneys for having regard to their own interest; but he had a right to quarrel with them when they

resorted to improper means of promoting that interest. No person would deny that the law officers of the Crown possessed sufficient power to prosecute libels directed against the state; and no person would complain that they had not sufficiently exercised that power. He did not stand there as the advocate of sedition or blasphemy, but as the opponent of the principles of this society, which, he believed, would prove more dangerous than all the publications of Benbow and Dolby, added to the protected libels of St. James's-street. Whatever might have been the crimes of Benbow or Dolby, the conduct which this association had pursued towards them was oppressive in the highest degree. The association assumed to itself the right of deciding what publications should be allowed, and what proscribed. The law officers of the Crown, in the execution of their duty, were subject to the influence of public opinion, and the animadversion of that House. The association was under no such restraint, and whatever blame might attach to the society generally, each member would think that but a small portion belonged to him individually. He had always observed, even in the transactions of private life, that individuals acting collectively would openly avow proceedings which, in their individual character, they would have been ashamed to acknowledge. He did not pretend to any deep knowledge of the law, but he would contend that the association was formed against the common law of the land, and in opposition to the act of Maintenance. That act was passed to prevent oppression; and he thought that subscribing to prosecute individuals at the suit of the king, came under the description of maintenance, and within the contemplation of the act. The hon. gentleman then called the attention of the House to a recent proceeding in the Court of King's-bench. A person against whom a prosecution had been instituted by the association, applied to the court for a list of the subscribers to the society, upon which the court granted the applicant what appeared to him the extraordinary privilege of questioning all the jurymen, in order to ascertain whether they were subscribers to the association. If the Court of King's-bench thought danger would result to the interests of justice from members of this association acting as common jurors, how much more mischievous would it be for such persons to serve as grand jurymen! If a grand jury did not find a true bill, there was an end of all prosecution; but if the majority of the jury was composed of members of this association, what chance of escape would remain to an individual prosecuted at the instance of the association. If, however, a person prosecuted by the society should eventually escape, how was he to obtain indemnification for the expense he might have incurred, or remuneration for his loss of time? He would find it difficult to prove that the prosecution originated in malicious motives on the part of the members of the society, either collectively or individually. It would be sufficient to justify the belief of malicious motives, if it could be shown, that the prosecution was instituted without probable cause; but it ought always to be remembered, that it rested with the judge to decide whether the finding of a bill by the grand jury was not reasonable cause, and if the judge should happen to be a member of the association, what doubt could be entertained of the nature of his decision? The association was opposed to the spirit of the constitution, and had a tendency to corrupt justice at its source. The legislature was bound to protect the people from acts of oppression. He trusted the House would not shut its eyes to the proceedings of the association, because it acted under the mask of law, and was patronized by peers, old women, and his majesty's ministers. The two attorneys, Sharp and Murray, wished to become prosecutors for the public, and to dispense with the exertions of the attorney and the solicitor general. He trusted that all persons of respectability, who had without due reflection become members of the association, would withdraw their support from it. If, as he had reason to believe, there were any persons present, who had become new subscribers or shareholders in the concern, he hoped they would dissolve their connexion with it, before they became bankrupts in reputation. The association might be compared with the inquisition of Spain; it was nothing more than an inquisition on the press. He acknowledged the power of the press, when employed in a good cause; but when used for a bad purpose, he thought it operated as a cure for its own evil. The Association pursued its victims by a system of treachery and deceit; and if suffered to exist, he knew of

no greater evil that could afflict the state. It would destroy all confidence between man and man; individuals would find it necessary to avoid each other, as in a town where a pestilential fever raged. If permitted to continue, it would effectually put an end to all discussion on political subjects. The hon. gentleman concluded with moving, "That an humble Address be presented to his Majesty, praying him to direct his Attorney-general to enter a *nolle prosequi* upon all indictments laid against individuals by the society styling itself the Constitutional Association."

Mr. *Bathurst* said, that if he understood the practice of the Court of King's-bench rightly, it would be impossible to put a stop to prosecutions instituted against individuals by the society in question, in the way proposed by the motion. The court never inquired who the prosecutor was. The hon. member had described the principles of the association as odious: he wished, however, the hon. gentleman had described what those principles were. In the light in which he (Mr. B.) viewed the association, it was nothing more than a certain set of gentlemen, who considered that libels ought to be punished. He could distinguish, however, between the principle on which the association was founded, and that on which it was conducted. The hon. member seemed to think, that no person might assume the authority of the attorney-general. He apprehended that this opinion was contrary to the law and the constitution. Every person who prosecuted another, assumed the character of a public prosecutor, by acting in the king's name. The office of the attorney-general was only an exception to this rule. In every part of the country societies existed for the prosecution of different offences; and he could see no distinction between the principle on which they were founded, and that on which the present association existed. He thought it was improbable that the society could have originated from the selfish schemes of a few professional individuals. Had the association originated in this manner, it never would have been able to attract so much notice. The very circumstance of its having been alluded to so frequently in that House, proved that the society had done, and was doing, a great deal,—of good or evil, he would not pretend to say. He was of opinion, that the more the attention of the country was directed towards the society, by the discussions in that House, the more the subscribers to it would increase. At the time of the French revolution, a society of a similar nature to the present was allowed to exist, and gave rise to no doubts as to its legality. The society to which he alluded obtained the sanction of an eminent legal authority, first in his place in the House of Peers, and afterwards in his judicial character on the bench. Another eminent legal authority, lord Kenyon, had also given an opinion in favour of the legality of that society. No single transaction of the association had been considered a fit subject for legal investigation; he thought it unreasonable therefore that the House should be called upon to put it down. If the association had presented a large number of indictments to the grand jury, and the grand jury had thrown them out, he should then have supposed that the society was acting indiscreetly; but he believed it was complained of that the grand jury had found too many bills. It might be recollected, that prosecutions were formerly entered against clergymen for non-residence, by private individuals, without the intervention of the attorney-general. There had been no attempt to impeach the association on the ground of law. Many other societies were founded on a similar principle. He might refer, for a particular example, to the society for the Suppression of Vice. But the society of 1793 was exactly similar to the association now attacked.

Dr. *Lushington* thought it not a little extraordinary that, after the almost uninterrupted power which hon. gentlemen opposite had maintained for the last thirty years, and in the face of the numerous laws which, under their administration had disgraced the Statute book, a cabinet minister should stand up in his place and admit the necessity of such an association as this to carry the laws against libel and sedition into effect.

Mr. *Bathurst*—I did not say one word as to its necessity.

Dr. *Lushington*—The right hon. gentleman denied that he admitted its necessity: but did he not defend it as being constitutional, and as a society whose existence was desirable? Did he not allow that government were willing to receive the assistance of sir John Sewell, Mr. Sharp, and Mr. Murray? Either the society was useful, or it was not. It was necessary, or it was not. If it was neces-

sary, then the attorney-general had not done his duty, and ought to be made to do it. But he did not mean to blame his learned friend, for he had selected cases for prosecution wherever proper ones occurred, and he was fully competent to continue the exercise of that power which was vested in his office, without the gratuitous assistance thus pressed upon him. The right hon. gentleman had said that this association was quite constitutional, and not without a parallel. These parallels were to be found, first in the association of 1797, of which Mr. Reeves was secretary. But that society, he believed, never commenced a single prosecution. The other parallel was one almost too contemptible to mention,—he meant the society for the Suppression of Vice—that society whose business it was to dive into obscene pamphlets and prints, and to prosecute the poor for what they called the profanation of the sabbath, but which in comparison with their own conduct on that day in the West-end of the town was wholly blameless. They were a set of cowardly pusillanimous hypocrites, who prosecuted the poor and helpless, but left the great and noble unmolested. At the same time he was fully aware that many characters of the highest respectability and virtue supported that society. With regard to the allusion which had been made to the societies established for the prosecution of felons, they were established to put down moral crimes, to which all the world agreed to award punishment. But how wide was the difference, between those crimes and what were termed political offences! In the writings of Mr. Burke, passages frequently occurred which, if prosecuted by such a society as this, would have been strained into sedition in a charge to the jury delivered by a corrupt judge; and thus one of the greatest characters that ever adorned it would have been lost to the country. The hon. member then commented upon the difficulty which persons, if maliciously prosecuted, would have in recovering damages from the society. If counter associations should be resorted to, nothing but dissention and ill-will would be seen instead of that peace and quiet to which the country was so anxiously looking.

Sir *M. Cholmeley* insisted upon the necessity of preventing the exposure of obscene prints in the windows of shops; and stated, that they were frequently placed so low down, that children had an opportunity of examining them. He entreated gentlemen to consider the dreadful effects which these things must produce.

Mr. *Wilberforce* expressed his regret that the learned doctor should have thought it necessary to go out of his way to attack a society which had effected great good, and of which he was proud to avow himself a zealous supporter. The learned doctor seemed to know as little of the object as he did of the proceedings of that society. If he would point out any officer of that society who had conducted himself in the manner described, he would undertake that he should be dismissed immediately. One of its objects had been to stop the sale of obscene pamphlets and prints which had formerly found their way into the seminaries of the young of both sexes; in what manner that object had been effected, the House would judge when he informed them, that out of 45 prosecutions which the society had thought fit to institute, not one had failed. Another of its objects had been to put a stop to the profanation of the sabbath. In that pursuit, though not so successful as could have been wished, it had still been able to do much good. With regard to the motion before the House, had there been greater licentiousness of the press than existed at present? indeed it was perfectly insupportable. Calumnies and detractions were so prevalent, that an individual was obliged to be either perpetually contradicting them, or to submit to a belief of the truth of them. Where, then, was the man who would not rejoice in seeing the laws again appealed to for redress? So far from thinking it to be unconstitutional that individuals should endeavour to enforce the laws against the licentiousness of the press, he thought that it was most congenial with the spirit of the constitution. How far the Constitutional Association had acted properly or improperly in their endeavour thus to enforce the law, he did not know; though he would not deny that the power which they had assumed was liable to abuse. He thought that it was the duty of a member of parliament, who saw the number of detestable publications now in circulation, to call upon the law officers of the Crown to enforce the laws against them, which he thought they had not done. The merit of a society like the Constitutional Association

depended much upon the manner in which its objects were effected; and that, he must say, was not at this time in evidence before the House. They had only assertion against assertion; and he thought that his hon. young friend, whom he respected no less on his father's account than on his own, had been led a little astray by his zeal for public liberty, in the motion which he had that night made. He hoped that those who saw the abuses of the press would go on vindicating the laws against it. Let them turn neither to the right nor to the left in doing it. Let the true John Bull and the false John Bull be both prosecuted. By thus enforcing the laws, they would best promote the morals of the people, upon which the happiness of the nation mainly rested.

Mr. *Denman* said, that the great objection to the constitutional and all similar associations was, that they could not exist without becoming a seminary for spies and informers. The person who could condescend to purchase a book from which he was to derive emolument on the conviction of the seller, would be ready to act even a more degraded part. If the book were not to be had for asking once, it would be asked for twice; and they might depend upon it, that the informer would not leave the shop without acquiring that which would afterwards prove a source of emolument to him. This was an objection to all societies, but pressed with greater force on the Constitutional Society than any other. The learned member dwelt on the illegality of a society, possessing large funds, and established, not for the punishment, but for the ruin of such booksellers as fell under their lash. The power thus placed in the hands of individuals was most enormous, and the number of bills presented by the association that had already been thrown out was enough to excite grave suspicion. It was impossible to calculate, upon obtaining an unbiassed grand jury to find the bill, and an impartial petty jury to find the verdict, while the society extended in such infinite ramifications of power and influence. As to the formation of a counter-association, nothing could be more injurious to the administration of public justice than for two parties to be constantly running a race with each other, endeavouring to pour their several friends into the jury-box, and thus to gain a triumph over the law. The association had been properly considered a nursery for spies and informers: large funds were raised for their payment and encouragement, and instead of diminishing the number of objectionable publications, they would see them daily augmented, as long as it was rendered worth the while of any of these desperate seducers to crime to promote their circulation.

The *Attorney-General* said, that the motion was not sufficiently distinct and intelligible. Nobody had yet ventured to assert that the society was not legally constituted. If such were the case, the courts of law were open to any of its opponents. The fact that no appeal upon this point had been made to the proper forum, of itself showed that there was no ground for attacking its legality. In the same way, no attempt had been made to call in question the legality of the society for the Suppression of Vice, to which allusion had been frequently made, and between which and this society he could see no distinction whatever. It was a most extraordinary doctrine urged on the other side, that the attorney-general was the only public prosecutor in the country. If he brought a case of libel into court, he was constantly assailed by the defendant or his counsel with the charge that he was proceeding by an unconstitutional mode—that he had filed an information *ex-officio*, instead of leaving it to the ordinary course of indictment, prosecuted by any private individual who might think fit to proceed. In this country there was, in fact, no such officer as a public prosecutor: all prosecutions were instituted by individuals, though in the name of the king; and lord Loughborough, as was well known, in the year 1792 stated that it was the duty of every member of society to enforce obedience to the law. So far from the society for the Suppression of Vice being illegal, his lordship at that time, when the press teemed with infamous productions, asserted that those individuals were meritorious in the highest degree who entered into an association for the purpose of suppressing them. The society for the Suppression of Vice had been instituted as long ago as the year 1787, and its object was, to carry into effect the king's proclamation against vice and immorality; yet, from that day to this, no man had dreamt of attacking it on the ground of illegality. It was very true that the constitution had armed the attorney-general with a particular power; but the crime of libel was as well known

to the law as any other, and individuals or societies had as much right to prosecute for it as they might for felonies, or for the publication of obscene prints and books. If the attorney-general instituted a prosecution which terminated unfavourably to him, the party accused had no more remedy against him than it had against this society; and the indictments presented by the latter were at least attended with one advantage to the defendant. If the attorney-general proceeded *ex officio*, the information for a libel was filed on his sole opinion; but in cases of indictment by the society, a grand jury intervened, and was called upon to decide whether the publication complained of was or was not a libel. Besides, if Mr. Murray or Mr. Sharp conducted themselves improperly, the party aggrieved had his remedy against them, although malice and want of probable cause must of course be established. Perhaps an action under such circumstances would even lie against the attorney-general for maliciously, and without probable cause, filing an information, although there certainly was no precedent of the kind. As to evidence, the attorney-general was always obliged to adduce the same species of testimony as the society: he was always obliged to prove the publication by purchase at the shop of the defendant; and a complaint might with equal justice have been made against him that he had directed a person to purchase at the shop of Carlile, Paine's "Age of Reason." The society had only taken the same means of establishing their case. It had been said, indeed, that they had encouraged a man of the name of King to sell a libellous work, that they might prosecute him for the crime, and he had ventured to swear that he had never seen the book until he procured it for the informer. Orton, on the contrary, deposed that he had seen one number of the publication lying on the counter, that King gave a good character of it, and that he promised to procure a whole set by the afternoon. Yet this was called inciting to crime. He felt bound in justice to the society, and in common candour, to say, that it was fit that credence should be given to the affidavits on both sides, since truth was not to be obtained by listening only to the representations of one party. It seemed a little premature to address the Crown to put an end to prosecutions, before even the nature of the publications which were the subjects of them was known. With regard to the legality of the society, he felt called upon to say, as far as his humble opinion went, that there was not the slightest ground from which it could be assailed. Neither could he see in what way the individuals composing it incapacitated themselves from serving as jurymen because they had contributed sums to its funds. He did not know why there should exist a stronger bias in their minds than in the minds of the jurors who belonged to associations for prosecuting felons. The question was, whether the law had been violated, and this they were as competent to decide as any other men.

Mr. *Brougham* said, that in his opinion, a man might with perfect consistency approve of the other societies alluded to incidentally, and yet disapprove of that under the notice of the House; as the distinction between them was as clear as possible. Some offences were, and ought to be prosecuted, though many a man would feel a repugnance at having his name mentioned in the same line with such an offence, even as its prosecutor. The argument drawn from the societies to prosecute for thefts could not apply to the present association. How was it possible that a man's feelings could be so interested in the case of a theft as they would be upon a question purely political? Party feeling would interfere, and even the jury become contaminated with it, by the encouragement of such a society as this. The remedy proposed would be an aggravation of the mischief; for, as had been well-observed, it would lead to the pollution of the very fountain of justice. The attorney-general had said, he did not see that members of this association were disqualified to sit as jurymen on prosecutions instituted by the Society. The Court of King's Bench, however, had declared them unfit, and had ordered, that the fact of a juryman's being a member should be a good cause of challenge. He who subscribed to bring on an indictment, was certainly an improper person to try it. In the case of a felony, if a man had subscribed money to find the bill of indictment, this would be a good cause for challenging him as a juror; and yet in such a case it was not likely that any thing had occurred from the act itself to rouse the passions. But the Bridge-street association was founded in party feeling alone. Even their enthusiasm, however

honest, was dangerous; they attacked only those who differed from them in politics: and not the least objectionable part of the case was, the circumstance, that if the matter were carried by writ of error to the House of Lords, the last legal resort, there were some dozen of Bridge-street associators to give checkmate to the proceedings. Would any man of common understanding say that this was consistent with common justice? The influence of the members of this association was not confined to London. How could an impartial jury be found in the country, half a dozen jurors being tenants of the duke of this, that, or the other, a member of the society? How could the unfortunate defendant have a fair chance? A counter-association, he repeated, would be worse than the present evil; for it would cause the whole country to be split into parties, and would destroy the hitherto proud character of English justice. The strict legality of the association on its professed principles he did not deny; but the legality was no objection to the interference of the House. The abuse, even of a legal right, might be a fair subject for interference. He did not ask whether what Mr. King had said, or what Mr. Orton had said, was true; but he was satisfied that Mr. Murray and Mr. Sharp had bragged of the commission of acts which were illegal. He thought it was not legal to go to a man's shop, and say to him, "If you don't agree to certain terms, I will indict you. If you do not admit your guilt, give up your property to us who have no right to ask it, and who cannot take it without violating the law. If you do not, besides all this, take an oath never to repeat that which we pronounce to be a legal offence, we will inflict legal vengeance upon you, and you must endure the consequence."—To do this, was to act more like a robber than any thing else—more like a violator than a protector of the law. This he held to be illegal. If this was the law of England, he had not so studied it; if it was a part of the constitution, he did not understand it. If these proceedings were to be supported by peers, who might ultimately have to pronounce upon them judicially; then, all he could say was, that there never was an Association put down as illegal, half so much to be reprobated as this society, this terror to all good men, commonly known by the name of the "Bridge-street Gang." There were, however, many persons, belonging to the Society for whom individually he entertained a very high respect. To those he should prefer using the language of expostulation rather than that of reproach. He believed they had been drawn into the society by designing persons; that they were the tools of others for whom no one could possibly feel any respect. "Church and state," "social order," and "sacred institutions," were fine phrases; but, in the present instance, they meant that it was necessary that a parcel of individuals should swell their own purses by using those of other people. Something had dropped from the hon. member for Bramber, about the propriety of putting down libels on both sides; but what was the fact? Why, that all on one side were mown down, and all on the other left untouched. Benbow, he believed, had been prosecuted for publishing a caricature upon his majesty; but this caricature was actually a parody on another quite as gross which had been published against the Queen. One was a libel on a woman, the other on a man, and this excellent society had taken no notice of the first. The press had teemed with the most disgusting libels; yet had this immaculate association emptied all the phials of their wrath on the other side and on that only. The society was, in fact, evidently erected for party purposes—to punish libels on one side, and, if not to encourage, at least to leave untouched all those on the other. For these reasons he considered it dangerous that such a society should exist; and if any thing could increase his abhorrence of it, it was the sort of defence by which it was endeavoured to be sustained.

The *Solicitor General* thought, that in order to form a correct opinion on the present question, it would be proper to inquire what was the state of the proceedings referred to by the motion. Bills had been found by grand juries against individuals for various libels; the judges of the courts of law had held these defendants to bail; and now the House of Commons was called upon to address the Crown to stop these prosecutions without any inquiry into their merits. The hon. and learned member here entered into a review of the proceedings against Dolby, and contended that the society had, in the course of the proceedings, done nothing which was not justified by law. The stock of Dolby was not demanded; he was only desired to give up the remaining

copies of the libel referred to in the indictment. His hon. and learned friend had not denied the legality of the society. Indeed, no attempt had been made in the superior courts to question the legality of the society; and an attempt made before another tribunal had completely failed. The hon. and learned gentleman then referred to the society of 1792, which he said had been ably and eloquently defended by lord Erskine himself, on the trial of Williams for publishing Paine's "Age of Reason." What, indeed, could be a more proper object than the prosecuting of seditious libels? And what sound objection could be raised against a society, which could not take a single step without the previous opinion of a grand jury? That such a society was capable of abuse he did not deny, but no ground had been shown to induce a belief that any abuse whatever existed in the conduct of these prosecutions. He begged to correct his hon. and learned friend as to a remark he had made on the proceedings in the court of King's-bench on the motion respecting the members of the association qualified to serve on the special jury. The order of the court relied on by his hon. and learned friend had been made with the consent of the prosecutors themselves. As to the proposition itself, it was of so extravagant a nature, that it was impossible it should receive the sanction of the House.

Mr. *Scarlett* could not concur with his hon. and learned friend in pronouncing this society to be legal: he thought it usurped the functions of the attorney-general, in whose hands prosecutions for political offences were vested by the government, and where he thought the discretion of instituting them would be exercised with more coolness than this society was likely to use on such subjects. Any set of men arrogating to themselves such a power of prosecuting for political offences, assumed an unconstitutional power, which he considered dangerous, and which he could not easily be persuaded was legal. He meant to pronounce no conclusive opinion until he had all the facts before him; but he must deny that the judges, as the matter stood, had concluded any thing upon the point of law; nor, indeed, did he know in what form their judgment could be summarily had upon so large a question. He thought there was a great distinction to be drawn between a society like this, and other societies for prosecutions not political in their nature; and he remembered that lord Erskine did, on a particular occasion, throw up his brief when the society, whose counsel he was, had refused to accede to what he deemed a reasonable proposition. He did not believe that any decision had yet been had, which went the length of legalizing societies of the nature of the present; and, much as he respected the object and the motives of the members of the Society for the Suppression of Vice, he still thought that their proceedings were liable to great abuse. Suppose a society were formed to conduct excise prosecutions, and another for customs, and a third for other departments, let the House consider the state in which society would become involved: the nation would be cast into parts, and every individual employed in hunting down his neighbour. There was, he recollected, in history, a society framed upon such a principle: he meant that of Empson and Dudley, in the reign of Henry 7th, for enforcing the penal laws of the country. It did, however, so happen, that Empson and Dudley were put to death for their conduct. Empson on that occasion made pretty much the same defence that was now set up for this society: he asked, what he had done but support the due administration of their own laws, and that by the intervention of juries? The great danger of such societies was their inevitable tendency to poison the springs of social life. If the attorney-general did not perform his duty sufficiently, why not address the king for his removal, rather than attempt to quicken the administration of the law by constituting a private prosecuting society. At the same time, he did not think that House the proper place to propound the question of the law of the case, and he was therefore anxious that the motion should be withdrawn. If pressed, he should certainly vote against it, notwithstanding the opinion he entertained of the unconstitutional character of the society.

Mr. *Whitbread* said, that as it seemed to be the general wish, he would not take the sense of the House upon the subject. With respect to the argument, that those who were aggrieved by the proceedings of the society would have their remedy at law, he would ask who were the persons from whom redress was to be sought?

Was Mr. Sharp to be the object of such prosecution? All he knew of Mr. Sharp was, that he was a bankrupt, and that he owed 300*l.* to a member of that House, who was not likely to receive 300 pence in payment.

The motion was negatived.

APPROPRIATION BILL.] On the order of the day for the third reading of this bill,

Mr. *Creevey* said, that as this bill went to appropriate all the money voted during the session, he would take the present opportunity of making a few observations on the business which had occurred in that House since they last commenced their sittings. He wished to express the satisfaction he felt on account of the late unanimous vote in favour of retrenchment. His hon. friend, the member for Aberdeen, had been repeatedly taunted by ministers, in consequence of his exertions; but they had at last been compelled to agree to a resolution, which would, he hoped, be followed up. This advantage had been gained by adhering to the forms of the House, and by pursuing the path marked out by past experience. At the commencement of the session, he had said that committees of supply had, for a long time, been a mere farce, but that they should no longer continue so. His assertion had been verified. The subject of the supplies had been so fully discussed, that the great body of the people of England were acquainted with them, and a pledge of pursuing a system of economical reform in the next session, had been obtained from ministers. This question of economical reform was nearly allied to political reform; because, when it was properly pursued, it brought them to the strong holds of corruption, that great enemy of property, of liberty, and of law. He differed from his noble friend (the marquis of Tavistock), when he asserted, that the exertions of the hon. member for Aberdeen had effected nothing. He agreed with his noble friend, that the power of the Crown had greatly increased in that House; but still he was of opinion that the freedom of speech which they enjoyed, and the publicity which was given to their debates, were advantages of the highest importance; and from these, if from any causes, they might look forward to economical reform in the next session. The House was, he thought, in progress to do a great deal of good. What had occurred was a sort of trial of the machinery of parliament, and it was found to work admirably well. It was very true that upon many occasions not more than a hundred persons voted on the subjects introduced by the hon. member for Aberdeen; but it was a matter of great congratulation, to find those subjects, which were formerly so much neglected, attracting the serious attention of such men as the member for Yorkshire, and the member for Blechingley (lord Milton and the marquis of Titchfield.) The hon. gentleman then adverted to what had been done in consequence of the exertions of the hon. member for Aberdeen, with respect to the receivers-general of the land-tax; and expressed a hope that government would pursue a similar course with reference to the department of stamps. He alluded also to the motion he had made on the 4½ per cent duties. That fund would, he trusted, be placed at the disposal of government at no distant period, as part of the revenue of the country, instead of being dealt out in pensions to the gentlemen and ladies who at present monopolized it. He conceived, notwithstanding the fate of the motion which had been introduced by the hon. member for Shrewsbury, that a place bill ought to be carried into effect. It was absolutely necessary for the due protection of the constitution. The Grampound bill gave him much satisfaction. It was a measure most favourable to the people of England, since it recognized the principle that population and property had a claim to representation. The hon. member concluded by expressing his regret that the bill of his hon. friend (Mr. M. A. Taylor) for the better administration of justice in the court of chancery, had not been agreed to. Every body acquainted with the proceedings of the court must feel the necessity of such a measure.

The Marquis of *Londonderry* rejoiced to observe the good humour which now prevailed on the other side of the House; but to which the gentlemen opposite appeared, at times, to be entirely strangers. He trusted, that in the next session of parliament they would be equally pleasant. They appeared to have receded in a considerable degree from that political and constitutional Utopia which they had originally set up. The hon. gentleman had given a very proper rebuke to the noble member for Bedfordshire, who

despaired of any good being effected by that House. The hon. member had, however, his gloomy moments, as well as the noble lord. He seemed to think that a place bill was necessary to preserve the purity of parliament; and yet, the hon. member admitted, that parliament, as now constituted, was fit for all useful and practicable purposes. The hon. member seemed to have arrived at a sort of candid state of mind; and he would certainly appeal to him whenever he wanted a historiographer of the by-gone session. He had given great credit to the hon. member for Aberdeen, on account of the reform which had taken place with respect to receivers-general of the land-tax; but he must here put in a little caveat, because this reform was determined on by ministers before the hon. member for Aberdeen submitted his motion to the House. With respect to the question of stamps, he hoped the hon. member would view the conduct of ministers on that subject with the same satisfaction with which he looked at their proceedings towards the receiver-general of the land-tax. The hon. gentleman had now found out that the two addresses to the Crown, which had been proposed on a former night, were nearly equal in their object; but he did not go so far as the hon. member for Aberdeen, who, after due reflection, had discovered that the address supported by ministers was much better than his own. [A laugh.] It appeared from this circumstance, that the two sides of the House were at length coming to a good understanding. The hon. member had, however, complained on various occasions, that, notwithstanding his efforts and those of his friends, not a shilling of expense had been saved to the country. His consolation, under all his defeats, had been, that a great deal would be effected in the next session. He could assure the hon. member, that ministers felt a most anxious desire to reduce the public expenditure as much as they possibly could; and if the hon. member and his friends came to the discussion next session with the same temper which they had displayed that evening, it would certainly turn out a far more agreeable session than he had found the present to be.

Mr. *Brougham* said, it must give great satisfaction to the House to learn, that the reform in the department of the receivers-general of the land-tax had been determined on by ministers before the hon. member for Aberdeen had introduced his motion. It would have been well, however, if the noble lord had taken the present opportunity to state what other retrenchments he and his colleagues had in store. He ought to give to the historiographer the materials by which he could prove to future ages who was the great author of economical reform in the present day. The repeal of the agricultural horse-tax was the only point of moment which his hon. friend had omitted to notice. He was rejoiced at the abandonment of that tax, which produced 470,000*l*. a year, because it was not to be supplied by other taxes, but must be met by economy and retrenchment. [Hear!]

The bill was then passed.

The Marquis of *Londonderry*, in rising to move that the House adjourn till Tuesday next, begged to observe, what it might be agreeable for their constituents to know, viz. that upon an average the House had sat eight hours and forty minutes daily, for every sitting day throughout the session. This was exclusive of the business done in the morning in the committees. So that whatever might be the opinion of hon. members opposite, or of persons out of doors, it was plain, that if the House of Commons did no good, it was not for want of labour.

HOUSE OF LORDS.

Thursday, July 5.

GRANT TO THE DUKE OF CLARENCE.] On the order for committing the Duke of Clarence's Annuity bill,

The Earl of *Lauderdale* said, that it certainly was not his intention to oppose the principle of this grant, or that on which the arrears were given from the period of the original vote. On the contrary, he approved of both parts of the measure. He thought the Commons had done credit to themselves in reverting in this bill to the general principle which ought to guide all grants of the kind, and giving the annuity from the time of his royal highness's marriage. He could not, however, refrain from calling their lordships' attention to the situation of the duke of Cumberland, who had, in his opinion, been treated very unfairly. It was not easy to conceive on what ground his royal highness was not placed on the same footing with the rest of the king's sons. If there

were personal considerations, they would not afford a sufficient ground, for it was not for parliament to enter into them. If such considerations were to form a ground, their decisions might be subject to the influence of favour and cabal. Indeed, after the judgment passed on an investigation which took place at the bar of that House last year, it could not be supposed that their lordships had agreed to a grant of 50,000*l.* a year on any other principle than on that to which he had already referred, namely, that the sum was considered what was fitting for the support of the rank and dignity of the person to whom it was given. The duke of Clarence had distinguished himself in the public service. In the proceedings in that House he had often differed with his royal highness in opinion; but the propriety of his conduct was well known to their lordships. His character was above any attempt to asperse it; and he was sure that nothing would give that illustrious person greater pleasure than to see any mean slanders which might have been circulated respecting him put in a tangible shape.

The Earl of *Limerick* concurred in the sentiments expressed by his noble friend, and warmly eulogized the character and conduct of the royal duke.

The bill was ordered to be committed to-morrow.

HOUSE OF LORDS.

Monday, July 9.

AGRICULTURAL HORSE DUTY REPEAL BILL.] On the order of the day, for the third reading of this bill,

The Earl of *Lauderdale* said, that after the declarations recently made by the noble earl opposite of the necessity of keeping up the revenue, he was surprised to find that he had agreed to a measure by which 500,000*l.* of that revenue were given up. He would repeal taxes equivalent to the surplus of the sinking fund; for nothing could be more foolish under the present circumstances of the country, than for such a purpose to draw from the pockets of the people that money, which, if left in their power to spend, would give life to trade. He believed the public would reap more benefit from a diminution of the duties on soap, candles, leather, and other articles of general consumption, than from the repeal of this tax. The repeal too, would prove of little value to those to whom the boon was given. He believed this measure was resorted to in consequence of the disappointment created by the report of the agricultural committee, than which he never knew a more unsatisfactory production. It stated what was very true, and what was well-known without a committee—that no remedy could be applied, and that nothing was to be done but to wait the effect of time. Their lordships ought to inquire farther, before they proceeded with this bill. They ought to inquire into the general state of the taxation. This session the agriculturists had succeeded in removing a tax. Next year the manufacturers might come forward in the same manner. He would be glad to know what would become of that revenue, on the necessity of maintaining which the noble earl opposite had so strongly insisted, if taxes were to be repealed with the little consideration with which this had been.

The Earl of *Liverpool* said, he had much rather the proposition of this bill had not come before their lordships, but since it was before them, he conceived that, under all the circumstances of the case, it was his duty to give it his support. When a committee to inquire into the agricultural distress was suggested, he objected to the proposition, on the general ground that he saw no chance of good, but much of evil, from such an investigation. He had also stated, that the distress had nothing to do with the state of the revenue or taxation; and when he said that, it was plain that he could see no useful result to which such inquiries could lead. The noble lord, however, was for appointing a committee to see what taxes could be repealed. He believed that such an inquiry would have a result similar to that which had taken place respecting the agricultural distress. He never knew a case in which seven or eight persons got together to consider how taxes to a certain amount might be removed, but each had the repeal of some particular tax in view, which he insisted ought to take precedence of all others. The noble lord had declared, that he would prefer the repeal of the duties on soap, candles, and some other articles. Now, though he did not mean to say that the agricultural horse duty would have been his first choice, he would certainly much rather repeal it than any of the taxes on those articles to which the noble lord had alluded; for, in the present state of the revenue, nothing could

be more unwise than the substitution the noble lord had suggested.

The Earl of *Carnarvon* expressed his dissent from the noble earl's declaration, that the distress experienced through the country had no connexion with the state of the revenue or taxation. He, on the contrary, considered the connexion to be most intimate, and was of opinion that it would not be long before it would be found to be impossible to pay the taxes at the present rate of the currency. It was plain that indirect taxation had reached its *maximum ;* and it was now of very little importance, with a view to revenue whether a certain amount of duties were increased or reduced. It was, indeed, most probable that reduction would be found the best mode of increasing the revenue. He should be much mistaken if the great question of economy did not soon press itself in a most formidable manner on the attention of parliament. Their lordships had often been told that things would find their level; and he admitted, that in ordinary times this was to be expected; but what adjusting principle could now operate against the counteracting influence of the national debt? The great evil was, the connexion between the alterable rate of currency, and the unalterable debt. The value of money had been rashly changed; and he was convinced, if some correcting measure were not adopted, that parliament would ultimately have to come to this conclusion—that it was impossible to continue to pay the present interest of the national debt, and to support such a sinking fund as would enable the country to look forward to the possibility of opposing an enemy with vigour in any future war. Either the interest of the debt must be reduced, or the great establishments of the government cut down. It was pressing down the country, and would press it so low as to leave it no longer the means of supporting that station it ought to hold among nations. Before this time next year it would be necessary for their lordships to come to some resolution on the subject of the revenue, and to look the situation of the country fairly in the face.

The Earl of *Lauderdale* said, it was the fluctuation of the currency which was to be complained of, and not its restoration to a true standard. After the currency had been brought back to its natural state, nothing would be more mischievous than any new alteration. In speaking of reductions, the establishments of 1792 had been often referred to: but it ought to be recollected that this was now a much richer country than it was at that period. Were the country prest by a foreign enemy, he should have no apprehension; for he knew its powers to be much greater than in 1792. There would, in such a case, be no fear of increasing the revenue, if the minister knew how to lay on taxes in a manner best adapted to the resources of the nation.

The bill was then read a third time.

HOUSE OF COMMONS.

Tuesday, July 10.

COURT OF SESSION—PETITION OF W. JAMESON.] Mr. *Hume* rose to present a petition from a Mr. Jameson, a writer to the signet in Scotland, who complained of having suffered severely from acts of Sederunt in the Court of Session. By these acts the court had the power of superseding acts of parliament. It was impossible for a suitor in that court to know what act was in force, or in disuse; for, strange to say, it rested entirely with the judges to declare which laws were in force, and which were in desuetude. Nay, one judge of the court had declared the clause of a bill to be in force, while another held that it was not. If, then, the law was held to be a lottery in England, how much more uncertain was it in Scotland. The commissioners of inquiry had stated, that the grievance now complained of should be inquired into; but no further mention was made of it. He had last year presented a petition from a Mr. Hay, on the same subject. It was the opinion of Blackstone, that if the judicial and legislative functions were united in the judges, the lives, liberties, and properties of the people would be at the mercy of a few individuals. It was only necessary to put a wig and a gown on any individual in order to qualify him to give lectures on public matters. We had many instances of judges going out of their way, for the purpose of delivering opinions on matters not connected with their duty. Witness the conduct of sir J. Silvester, who, in delivering a charge to a jury, went out of his way for the purpose of praising the Bridge-street Association. He thought it ill became men who were elevated to such high rank by the monarch, thus to go out of their way for such purposes. The magistrates of Montrose

having quarrelled, a suit at law was instituted, but the judges were unanimously of opinion, that the proceedings should be dismissed with costs. On that occasion, the lord president Hope behaved in a grossly improper manner. The House would recollect that a few years ago an alteration took place in the set or constitution of the burgh of Montrose. Upon that occasion a noble friend of his brought forward a motion on the subject, when ministers defended the alteration, and the motion was lost. Let the House, however, observe the alteration which took place in so short a time. The lord president Hope, in delivering the opinion of the court, advised the magistrates that they should be cautious how they granted criminal warrants under the new charter, as their situation might not protect them from the consequences of a civil action. what must be the situation of the country if magistrates were to be deterred from doing their duty.

Lord *Binning* said, he must protest against all that the hon. member had said respecting the court of session as being totally groundless; and he must add, that the hon. member had made but an ill use of his discretion in bringing this subject forward as he had done. He denied that the judges superseded the law by acts of sederunt; and with respect to desuetude, he understood it applied only to certain Scottish laws, and not to any British act of parliament. He had no doubt this petition would turn out to be one of that class of which they had already seen but too many.

Lord *A. Hamilton* complained of the hardship of allowing the judges to declare which laws should be held in force, and which in desuetude.

Mr. *Hume* said, that so wedded was the noble lord to the abuses which existed in Scotland that he believed, if they were shown to be as black as ink, it would be impossible to induce the noble lord to remove them. He repeated, that the charges against the lord president Hope were true, and admitted of no justification. He had on one occasion ordered a person from the bar, declaring that acts of sederunt should supersede the law of the land.

Lord *Binning* could not allow the imputations thrown out against his relation to pass unanswered. The hon. member might think that abuses existed in Scotland, and wish to reform them; but was it fair to make such an attack upon the character of an individual upon the last day of a session? There was no man who knew the lord president who did not admire and respect him, both in public and private.

Ordered to lie on the table.

STATE OF EDUCATION IN IRELAND.] Mr. *Spring Rice*, in rising to move for the 14th Report of the Commissioners on the State of Education in Ireland, said, that even in an economical point of view, the subject to which the Report referred was of some consequence, for since the Union no less than 1,200,000*l.* had been voted by parliament, for purposes connected with the education of the poor in the sister country. This vast sum had been expended upon three foundations, which were not only useless for the purposes for which they were intended, but mischievous. The first of these foundations was the Protestant Charter Schools Foundations, for which 622,000*l.* had been voted since the Union; the next was the Foundling Hospital, on which nearly half a million had been spent; the third the establishment for the Discouragement of Vice. All these institutions connected the education of the people with an attempt at proselytism—at the educating of the children of Catholics in the Protestant religion. The result of this was, that not only did these attempts fail, but all other attempts at the education of the people were viewed with suspicion. In opposition also to the system which excluded Catholics from these schools, others were established, managed on a principle of exclusion towards the Catholics. The Report was drawn up by some of the ablest men Ireland had produced, and whose names would ever be connected with its politics and its literature. This year, the House had voted 100,000*l.* to the three establishments he had mentioned. He did not find fault with the liberality of the House towards Ireland, but he hoped hereafter that this liberality would be shown in acting on the wise suggestions of their own commissioners.

Mr. *Brougham* said, he entirely concurred with his hon. friend, as to the soundness of the principles laid down by the commissioners. Nothing could be more sound in the present state of Ireland, than that any system of education attempted to be made general there, should avoid all suspicion of an intention of proselytism. The state of the Established

Church and the Catholics, in Ireland, was somewhat different from that of the Dissenters and the Church in this country; for whereas the Roman Catholics founded schools from which they excluded members of the Church, the Dissenters in England founded schools which were open to churchmen as well as to those who dissented from the Church. This led him to the statement of the reasons which had induced him to put off his Education bill for the present session. His absence from town in the early part of the session, which had caused a delay, which he then regretted, in bringing forward the bill, gave time for a controversy which had very widely diffused the principles of the bill. He had attended to the arguments of the various adversaries of the bill, and he should have had great pleasure if he could have found any line that would have reconciled all their contending objections. The Dissenters thought that the plan was too much connected with the Church, and that too much of the exclusive doctrine of the church would be propagated under it. Among a number of the churchmen an opposite fear prevailed. Between those diametrically opposite opinions it was extremely difficult to steer an even course. But this difference of opinion itself showed the necessity of meeting liberality on one side by concessions on the other. The controversy, (with a very few exceptions), was carried on by persons sincerely anxious to promote the education of all classes of the people. To men in this frame of mind, only a little farther discussion was necessary in order that some matters might be explained. It was for the purpose of affording this opportunity that he had postponed the farther consideration of the bill. In postponing it he would only remind both parties how great the concession was that each expected from the other. Those who thought the bill opened the door too widely to the dissenter, expected the dissenter to support by means of the tax a system of education from the benefit of which his children were excluded. If the regulations of the schools were such that it was made, if not impossible, seriously unpleasant for the dissenter, the hardship would be the same. The object of the churchman was to maintain the necessary connection between the school system of the country and the established church; but beyond what was necessary, not one step could be taken which was not contrary to equity, to liberality, and to the interests of the establishment itself. On the other hand, let the dissenters look to the plan as it now was, and they would consider that even if there was no modification in the bill, a very great sacrifice would be made by the church to the peculiar principles of the dissenters. He thought, however, he could see how to modify the bill in parts not very material in themselves, but which the dissenters attached great importance to. He had the warmest attachment to the dissenters as the true friends of education; and it was in this character that he besought them to reflect what principle this bill gave up—that which was indisputed between them and the church, in the bible society and in the Bell and Lancaster schools. The question as to these schools was, whether they should be conducted on such principles that the dissenters and churchmen could equally take the benefit of them? The churchmen said that the catechism, the liturgy, and a compulsory creed should be taught in these schools. The dissenters said that it was much better that no liturgy, catechism, or compulsory creed should be taught, but that all sects of christians should be on an equality in these schools. Now this the bill sanctioned. One circumstance he hoped both parties would attend to,—that it was only by concessions that this great national object could be attained, and that if each was determined to give up nothing because it was a concession to their adversaries, the conclusion to which they must come was, that no national provision could be made for the education of the poor.—And this brought him to the last objection which he had to mention; viz. that no such provision at all was necessary. This was the least founded of all the objections to the bill; for though there might be some doubt as to the mode in which the provision should be made, the want of such a provision had been clearly established. The parochial returns were said by those who raised this objection to be so incorrect that they could not be relied upon. His answer to this was very short;—he would put off the discussion of the bill for one season, and if they then found them incorrect, he must resort to other materials to prove the necessity of a provision for education. The proofs of the necessity of a provision for education did not rest on parts of the return which were doubtful, nor on the

disputable number of schools or scholars, but on the personal observations of the clergymen. In 220 out of the 800 parishes of Wales, the observations of the clergymen uniformly were, that these parishes were wholly destitute of the means of education, and that the people were extremely desirous to possess them. But as a delay was to take place, he would point out a way in which the correctness of the returns could be ascertained. Besides the general digest there were several parts of the digest, containing each a county, which remained for distribution. If any person would send to him for the returns of the counties in which he resided, he would take care that a copy should be supplied. He trusted this notice would have the effect of inducing people to investigate these returns, that the accuracy or inaccuracy of them might be ascertained. He entreated the conflicting parties to meet in the spirit of concession with mutual amity and good will. He would give his mite of concession, and if there was any part of the measure which could be shown to be inefficient or dangerous; or even if the whole should be shown to be of that description, he was not so far wedded to it, in preference to religious toleration and the cause of education, that he would not willingly abandon it. He had turned his attention to every thing that had been said and written on the subject, but he saw no reason to depart from the principle of the bill.

Mr. *Bright* contended, that the Education bill was an attack upon religious liberty, and he hoped it would be manfully resisted by those who were interested. The dissenters were to be taxed for the support of schools, the teachers of which were to be chosen by the established clergy, and who would teach in a manner which would be agreeable to that clergy. The accuracy of the returns in the digest had been disputed, and with reason; for the Sunday schools were almost entirely overlooked. He should oppose the measure, as its tendency and effect would obviously be, to throw the whole education of the country into the hands of the established church, to the exclusion and injury of the dissenting interests.

Mr. *Brougham* said, his hon. friend had no right to assume that there existed on the part of the advocates of the measure the least disposition to do any thing in the slightest degree offensive to any one class or description of religious sects. The report was agreed to by gentlemen who were as strenuous supporters of religious liberty, and as warm friends of the dissenting interests, many of them being themselves dissenters, as persons in or out of that House could possibly be.

The motion was agreed to.

CORONATION OF THE QUEEN.] On the motion, that the House do adjourn,

Mr. *Hume* said, he conceived it to be most important that the country should understand, before the prorogation of parliament, how her majesty was to be placed at the ensuing coronation, and that every precaution should be taken that was calculated to prevent the peace of the capital from being disturbed upon that occasion. If any of his majesty's ministers had been in the House, he should have felt it his duty to have gone at greater length into this subject than he then felt inclined to do: but being one of those individuals whom a noble marquis on a former night had accused of having by their exertions risked the peace of the country, he could not allow himself to be placed in such a situation again as would compel him to have recourse to similar proceedings, without protesting most loudly against it. From the nature of the court to which her majesty's claims had been submitted, he could not draw any favourable augury as to their decision; though he was convinced that her lawyers had made out as clear a right for her coronation as existed at present for the king's. Taking for granted, then, that the decision of that court would be against the existence of the claim, the point which he wished to ascertain was this—whether ministers intended to persevere in their system of insulting, persecuting, and oppressing the Queen upon all occasions, or whether they intended to assign her a place among the other members of the royal family at the ensuing coronation. That her majesty would attend in person at that ceremonial, he entertained not the slightest doubt. From what he knew of her spirit and resolution, he was convinced that she would be present at it, if not as a part of it, at least to prevent the rights of future queens-consort from being compromised and degraded in her person. It was upon that account that he now gave notice, that he should to-morrow submit to the House a motion on the subject.

Mr. *Butterworth* lamented the introduction of such a subject at a time when no minister was in the House to notice it. He trusted that her majesty would not be so ill-advised as to pursue the plan which the hon. gentleman had chalked out for her. She had already had ill-advisers enough about her; and he trusted, for the sake of the little credit and popularity which she still had left her, she would not interfere in the manner alluded to.

Mr. Alderman *Wood* should not have risen, if it had not been for the extraordinary expression which had escaped from the hon. gentlemen, as to the little credit and popularity which her majesty retained. He was surprised the hon. member had dared to make such an assertion, when he must have known that ninety-nine out of every hundred of his own constituents were strongly biassed in favour of her majesty. So far from her majesty's popularity being upon the wane, it had even increased since the conclusion of the infamous investigation into her conduct. Her majesty, he was sure, would not be dictated to by any person, as to the course which she ought to pursue. He had, however, no hesitation in saying, that it was the decided intention of the Queen to attend the coronation, notwithstanding any thing that had occurred, or that might occur, before a particular tribunal.

Mr. *Butterworth* conceived that nothing could be more ill-advised than her majesty's intention of disturbing the coronation.

Mr. *Hume* said, that if the hon. gentleman intended his observations to apply to him, he could only inform him that he never had the honour, and most probably never should of being one of her majesty's advisers.

HOUSE OF COMMONS.

Wednesday, July 11.

Coronation of the Queen.] Shortly after the Speaker had taken the chair,

Mr. *Hume* rose to submit the motion of which he had given notice yesterday. He began by saying, that we were now within eight days of the coronation, and as yet it was not known in what situation her majesty was to be placed, with regard to that ceremony. Surely ministers would not renew the agitation of the public mind by the exclusion of her majesty; for he thought that nothing could so effectually quiet it as the participation by the Queen in the august ceremony which was about to take place. It was not without deep regret, though certainly without surprise, that he had heard of the decision of the privy council respecting her majesty's claim to be crowned. That claim, he thought, had been clearly established by her majesty's counsel; but it appeared that the privy council were of a different opinion, and they had so decided. He did not mean to impugn this decision, but his own opinion was, that her majesty had as good a right to be crowned as the king. The House, from respect to the royal family, were called upon to prevent, if possible, her majesty from being insulted and degraded. She was now placed in a situation in which no queen-consort of this country had ever been placed before. She was the cousin, as well as the wife, of the sovereign; and she was, independently of her character as Queen, a member of the house of Brunswick. So anxious was he for the preservation of the public peace, that he would willingly wave all question of her majesty's right to be crowned, and receive it as a matter of grace and favour of the king. If his majesty should be advised to grant this, he was satisfied that it would be received with joy and gratitude throughout the country. The hon. member concluded by moving, "That an humble Address be presented to his Majesty, praying that he will be graciously pleased to issue his royal proclamation for the coronation of her Majesty; thereby consulting the true dignity of the Crown, the tranquillity of the metropolis, and the general expectations of the people."

The hon. member had but just commenced the reading of his resolution, when the Deputy Usher of the black rod was heard knocking at the door, and as he was concluding it, he was called to order by the Speaker, who reminded him of the presence of that officer. Mr. Hume immediately took his seat, and the deputy usher informed the House, that his majesty's commissioners for giving the royal assent to several bills, and also for the prorogation of this parliament, attended in the House of Peers, whither the attendance of the Speaker was required. The Speaker, accompanied by most of the members present, immediately repaired to the House of Peers.

HOUSE OF LORDS.
Wednesday, July 11.

THE KING'S SPEECH AT THE CLOSE OF THE SESSION.] After the royal assent had been given, by commission, to several bills, a Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor, as follows:

"My Lords and Gentlemen;

"We have it in command from his Majesty to inform you, that the state of public business having enabled him to dispense with your attendance in Parliament, he has determined to put an end to this Session.

"His Majesty, however, cannot close it without expressing his satisfaction at the zeal and assiduity with which you have prosecuted the laborious and important inquiries in which you have been engaged.

"He has observed, with particular pleasure, the facility with which the restoration of a Metallic Currency has been effected, by the authority given to the Bank of England to commence its payments in cash at an earlier period than had been determined by the last Parliament.

"His Majesty has commanded us to acquaint you, that he continues to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

"Gentlemen of the House of Commons;

"We are commanded by his Majesty to return you his thanks for the provision which you have made for the public service.

"Although the public expenditure has already undergone considerable reduction within the present year, his Majesty trusts he shall be enabled by the continuance of peace, and of internal tranquillity, to make such further reductions as may satisfy the just expectations expressed by Parliament.

"His Majesty has commanded us to assure you of the gratification which he has derived from the provision which you have made for his Royal Highness the Duke of Clarence.

"My Lords, and Gentlemen;

"It is with the greatest satisfaction that his Majesty has observed the quiet and good order which continue to prevail in those parts of the country which were not long since in a state of agitation.

"His Majesty deeply laments the distress to which the agricultural interests, in many parts of the kingdom, are still subject.

"It will be his Majesty's most anxious desire, by a strict attention to public economy, to do all that depends upon him for the relief of the country from its present difficulties; but you cannot fail to be sensible that the success of all efforts for this purpose will mainly depend upon the continuance of domestic tranquillity; and his Majesty confidently relies on your utmost exertions, in your several counties, in enforcing obedience to the laws, and in promoting harmony and concord amongst all descriptions of his Majesty's subjects."

After which a Commission was read, for proroguing the Parliament until the 20th of September.

APPENDIX.

APPENDIX.

APPENDIX.

FINANCE ACCOUNTS

FOR THE YEAR ENDED 5TH JANUARY 1821.

CLASS.

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I.—PUBLIC INCOME OF THE UNITED KINGDOM

FOR THE YEAR ENDED FIFTH JANUARY, 1821.

An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year ended 5th January, 1821.

HEADS OF REVENUE.	GROSS RECEIPT; Total Sum to be accounted for.			Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue.			NETT PRODUCE applicable to National Objects, and to Payments into the Exchequer.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS, including the Annual Duties ...	14,410,881	5	11¼	3,697,691	12	10	10,743,189	13	1¼
EXCISE, including the Annual Duties	31,714,935	10	9	3,092,687	0	6¼	28,622,248	10	2¾
STAMPS	7,250,199	1	9¼	455,332	5	0¼	6,794,866	16	9
LAND AND ASSESSED TAXES, including the Assessed Taxes of Ireland	8,694,733	0	5½	381,584	13	1	8,313,148	7	4½
POST OFFICE	2,310,599	1	10¼	617,962	3	11½	1,692,636	17	10¾
PENSIONS AND SALARIES... 1s. in the £................	21,252	1	9	480	7	0	20,771	14	9
6d. in the £............ ..	9,559	6	5	296	17	3	9,262	9	2
HACKNEY COACHES	26,466	0	1	4,122	5	9	22,343	14	4
HAWKERS AND PEDLARS..................	30,522	8	9	5,219	17	6	25,302	11	3
POUNDAGE FEES (Ireland)	4,392	10	8½	-	-	-	4,392	10	8½
PELLS FEES............Do.......................	878	10	0¼	-	-	-	878	10	0¼
CASUALTIES............Do.......................	3,419	13	3	-	-	-	3,419	13	3
TREASURY FEES, and Hospital Fees (Do.)	515	0	1½	-	-	-	515	0	1½
SMALL BRANCHES OF THE KING'S HEREDITARY REVENUE	132,967	7	4½	5,146	19	4¾	127,820	7	11¾
TOTAL of Ordinary Revenues	64,641,320	19	3	8,260,524	2	3¾	56,380,796	16	11¼
Extraordinary Resources.									
PROPERTY TAX AND INCOME DUTY (Arrears)	57,043	5	6¼	15,395	15	6	41,647	10	0¼
Lottery, Nett Receipt	175,154	10	2	19,000	0	0	156,154	10	2
Unclaimed Dividends, &c. per Act 56 Geo. 3, cap. 97.	283,810	7	11	-	-	-	283,810	7	11
From the Commissioners for the issue of Exchequer Bills, per Act 57 Geo. 3, cap. 34, for the Employment of the Poor	159,000	0	0	-	-	-	159,000	0	0
Surplus Fees of Regulated Public Offices ...	25,849	1	4½	-	-	-	25,849	1	4½
From several County Treasurers in Ireland, on account of Advances made by the Treasury for improving Post Roads, for building Gaols, for the Police, for Public Works, Employment of the Poor, &c. &c.	61,664	1	2¼	-	-	-	61,664	1	2¼
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	195,728	4	4	-	-	-	195,728	4	4
TOTAL (exclusive of Loans)	65,599,570	9	9½	8,294,919	17	9¾	57,304,650	11	11¾
Loans paid into the Exchequer..................	17,292,544	16	6	-	-	-	17,292,544	16	6
GRAND TOTAL	82,892,115	6	3½	8,294,919	17	9¾	74,597,195	8	5¾

II.—CONSOLIDATED FUND AND PERMANENT TAXES.—INCOME AND CHARGE, 1821.

INCOME.		£. s. d.
CUSTOMS: Consolidated	£.3,759,267 15 8¾	
Isle of Man	10,197 13 6	
Quarantine Duty	16,488 15 6	
Canal and Dock Duty	35,065 3 6½	3,821,019 8 3¼
EXCISE: Consolidated, after reserving the several sums carried, per Acts 52 and 55 Geo. 3, to Duties, pro Annis 1812 and 1815......	20,798,730 3 8	
British Spirits, Anno 1306	444,085 1 4½	21,242,815 5 0½
		[This Account continued over leaf.]

CHARGE	Actual Payment out of the Consolidated Fund, in the Year ended 5th January 152..	Future Annual Charge upon the Consolidated Fund, as it stood on 5th January 1821.
	£. s. d.	£. s. d.
Total Charge for Debt created prior to the Year 1811	25,456,951 16 7½	24,677,128 14 5½
CIVIL LIST:		
For the support of his Majesty's Household per sundry Acts of Geo. 3, to 29 Jan. 1820 .... £.63,824 3 6		
Ditto D° per Act 1, Geo. 4, c. 1. ...793,956 0 10	857,780 4 4	850,000 0 0
COURTS OF JUSTICE:		
Judges of England and Wales, in augmentation of their Salaries........................	13,050 0 0	13,050 0 0
Deficiencies of Judges Salaries in England	13,646 18 10	Uncertain.
Additional Salaries to Welsh Judges...............	3,200 0 0	3,200 0 0
J. Baldwin, Esq. Receiver of the Seven Police Offices	21,629 1 5¾	Uncertain.
Sheriffs of England and Wales	4,000 0 0	4,000 0 0
Clerk of the Hanaper	2,400 0 0	
Patrick Colquhoun, Esq. Receiver of the Thames Police 1,735 2 0		
Charles Bathurst, Esq. Do. Do.......3,537 8 7		
Thomas Venables, Esq. Do. Do. ...1,889 6 4	7,211 16 11	Uncertain.
MINT:		
Master of the Mint in England	13,800 0 0	13,800 0 0
SALARIES AND ALLOWANCES:		
Speaker of the House of Commons, to complete his Salary of £.6,000 per annum........................	1,807 2 0	Uncertain.
Edward Roberts, Esq. an annual Sum formerly paid to the Auditor	650 0 0	650 0 0
George Pepler, Esq. Inspector of Tontine Certificates	5[illegible]0 0 0	Uncertain.
Chief Cashier of the Bank, for Fees	1,175 0 0	
	[This Account continued over leaf.]	

		£.	s.	d.
STAMPS: Consolidated, after reserving as directed per Acts 50 and 55 Geo. 3.	5,674,485 9 11½			
Licences for selling Lottery Tickets	3,500 7 4			
		5,677,985	17	3½
INCIDENTS		7,180,259	6	0¼
Surplus Duties on Sugar, Malt, Annual Malt, and Tobacco		3,589,211	14	8¼
Surplus Duties on Pensions, Offices, &c. Anno 1817, 1818, 1819, 1820.		52,993	6	4¾

	£.	s.	d.	£.	s.	d.
Chief Cashier of the South Sea Company, for do.	269	9	10	Uncertain.		
For the encouragement of the growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
COMMISSIONERS OF PUBLIC ACCOUNTS:						
Wm. Mackworth-Praed, Esq. Chairman	1,500	0	0	1,500	0	0
Sir C. W. Rouse Boughton, Bart.	1,200	0	0	1,200	0	0
Richard Dawkins, Esq.	1,200	0	0	1,200	0	0
John Wishaw, Esq.	1,200	0	0	1,200	0	0
John Sargent, Esq.	1,200	0	0	1,200	0	0
Salaries, &c. in the Office of the said Commissioners	33,497	11	0	Uncertain.		
COMMISSIONERS OF WEST INDIA ACCOUNTS:						
John Halket, Esq.	1,500	0	0	1,500	0	0
James Chapman, Esq.	1,000	0	0	1,000	0	0
John Wilson, Esq.	1,000	0	0	1,000	0	0
Salaries, &c. in the Office of the said Commissioners	6,292	8	3	Uncertain.		
MISCELLANEOUS:						
Russian Dutch Loan, per 55 Geo. 3, c. 115	119,517	1	9	Uncertain.		
Deficiency of Profits to the South Sea Company, per 55 Geo. 3, c. 57.	2,200	17	3			
Contingencies in the Office for Inquiring into Charities	14,000	0	0			
Irish Life Annuities	38,978	17	0			
Commissioners of Roads to Holyhead	25,000	0	0			
Duke of Wellington, per 54 Geo. 3, c. 161	20,000	0	0			
Commissioners for the improvement of Port Patrick harbour	5,000	0	0			
George Boyd, Esq. Collector of the Customs at Caicos, being Bounty on the Seizure and Condemnation of Slaves, per 47 Geo. 3, c. 36	835	0	0			
Charles M'Carthy, Esq. Governor of Sierra Leone, Ditto Ditto	476	0	0			
Lieut. Col. Chisholm, Commandant at Goree Do. Do.	85	0	0			
John R. Forbes, Acting Collector of the Customs at Port Maria, in Jamaica Do. Do.	427	0	0			
Colonel Alexander Murray, ditto at Nassau Do. Do.	78	0	0			

	£.	s.	d.
Land Taxes, Annis 1799 to 1820	1,139,266	16	9½
Arrears of Income Duty	24	0	0
Money reserved on account of Nominees appointed by the Lords of the Treasury, in Tontine, Anno 1789	23,383	11	5
Arrears of Property Duty	30,782	4	1¼
Money brought to this Account, being the remainder of the sum set apart in the Exchequer on 5th April 1820, as Hereditary Revenues, which had not been issued or paid in respect of any charges upon the Civil List Revenues, per Act 1 Geo. 4, c. 1, s. 4	39,018	4	2

[This Account continued over leaf.]

	£.	s.	d.	£.	s.	d.
Major Gen. Sir John Keane, Governor of St. Lucia.						
Do. Do.	69	0	0	Uncertain.		
Archibald Campbell Do.	690	0	0	Uncertain.		
Lieut. Geo. Lee Do.	82	0	0	Uncertain.		
W. Salter Sanders Do.	107	0	0	Uncertain.		
PENSIONS:						
Earl of Chatham	4,000	0	0	4,000	0	0
Lord Rodney	2,000	0	0	2,000	0	0
Lady Dorchester	1,000	0	0	1,000	0	0
John Penn, Esq.	1,000	0	0	1,000	0	0
Richard Penn, Esq.	3,000	0	0	3,000	0	0
Duke of Clarence	9,000	0	0	12,000	0	0
- - York	9,000	0	0	12,000	0	0
Duchess of York	2,329	17	11¼	Dead.		
Earl St. Vincent	2,000	0	0	2,000	0	0
Viscount Duncan	2,000	0	0	2,000	0	0
Duke of Cumberland	9,000	0	0	9,000	0	0
- - Richmond	6,333	6	8	6,333	6	8
Lord Erskine	4,000	0	0	4,000	0	0
Sir Archibald Macdonald	2,500	0	0	2,500	0	0
Sir James Mansfield	2,500	0	0	2,500	0	0
Sir William Grant	2,500	0	0	2,500	0	0
Sir Alan Chambré	2,000	0	0	2,000	0	0
Sir Sidney Smith	1,000	0	0	1,000	0	0
Baroness Abercrombie	2,000	0	0	2,000	0	0
John William Complom	1,000	0	0	1,000	0	0
Alexander Croke, Esq.	1,000	0	0	1,000	0	0
John Hinchcliffe	1,000	0	0	1,000	0	0
Duke of Sussex	9,000	0	0	12,000	0	0
- - Cambridge	9,000	0	0	12,000	0	0
Lord Hutchinson	2,000	0	0	2,000	0	0
Sir James Saumarez	1,200	0	0	1,200	0	0
Lord Boringdon, et al. for Lord Amherst	3,000	0	0	3,000	0	0
Duke of Atholl	3,664	7	4¾	Uncertain.		
Henry M. Dyer, Esq.	1,000	0	0	1,000	0	0
John Sewell, Esq.	1,000	0	0	1,000	0	0
William Terrett, Esq.	1,000	0	0	1,000	0	0

[This Account continued over leaf.]

	£.	s.	d.
Money brought from Civil List, being the sum paid out of Hereditary Revenue, set apart in the Exchequer, on 5th of April 1820, for charges payable out of the Civil List Revenues by said Act	28,074	3	6
Monies paid by divers persons	171,816	9	4¼
TOTAL Income of Duties, &c. applicable to paying the Charges prior to the Year 1811, and the Incidental Charges as they stood on 5th January 1821	42,996,636	7	0¼
Total Income of Duties for the Year 1811	156,105	0	0
Ditto 1812	1,018,131	0	6
Ditto 1813	—		

	£.	s.	d.	£.	s.	d.
Lady Nelson	2,000	0	0	2,000	0	0
Sir Richard Strachan	1,000	0	0	1,000	0	0
Hon. Sarah Collingwood	500	0	0	500	0	0
Hon. Mary P. Collingwood	500	0	0	500	0	0
Duke of Clarence	6,000	0	0	6,000	0	0
- - Cumberland	6,000	0	0	6,000	0	0
- - Sussex	6,000	0	0	6,000	0	0
- - Cambridge	6,000	0	0	6,000	0	0
- - Gloucester	14,000	0	0	14,000	0	0
Princess Sophia of Do.	7,000	0	0	7,000	0	0
Earl Nelson	5,000	0	0	5,000	0	0
Lord Rodney	923	1	6	923	1	6
Viscount Lake	2,000	0	0	2,000	0	0
Viscount Wellington	2,000	0	0	2,000	0	0
Earl of Ditto	2,000	0	0	2,000	0	0
Jane Perceval	2,000	0	0	2,000	0	0
Princesses Augusta, Elizabeth, Mary, and Sophia, £.9,000 per annum to each	36,000	0	0	36,000	0	0
Sir Archibald Macdonald	800	0	0	800	0	0
Sir James Mansfield	800	0	0	800	0	0
Sir William Grant	800	0	0	800	0	0
Sir Alan Chambré	600	0	0	600	0	0
Duke of Wellington	6,175	0	0	5,525	0	0
Lord Beresford	2,000	0	0	2,000	0	0
Lord Combermere	2,000	0	0	2,000	0	0
Lord Exmouth	2,000	0	0	2,000	0	0
Lord Hill	2,000	0	0	2,000	0	0
Lord Lynedoch	2,000	0	0	2,000	0	0
Duke of York, in trust for the Prince of Cobourg	50,000	0	0	50,000	0	0
Duke of York	7,000	0	0	14,000	0	0
- - Clarence	1,250	0	0	2,500	0	0
Princesses, as above, £.4,000 per annum to each	8,000	0	0	16,000	0	0
Lord Colchester	4,000	0	0	4,000	0	0
Duke of Cambridge	3,000	0	0	6,000	0	0
Duchess of Kent	5,703	5	11	6,000	0	0
Late Queen's Servants	18,129	11	2	Uncertain.		
Late King's Do.	10,857	18	3			
TOTAL of Incidental Charges, &c. upon the Consolidated Fund, as they stood on the 5th January 1821	1,518,278	11	1¼	1,223,438	1	10

	£.	s.	d.		£.	s.	d.	£.	s.	d.
Ditto 1814	5,500	0	0	Total Charge for Debt incurred prior to the year 1811	25,455,951	16	7½	24 677,128	11	5¾
				Total of Incidental Charges, &c.	1,548,278	11	1¼	1,223,438	1	10
				Total Charge for Debt incurred in the Year 1811	1,495,929	14	9	1,360,189	1	3
				Ditto 1812	2,216,397	10	6¾	2,216,397	10	6¾
Ditto 1815	569,667	16	5½	Ditto 1813	4,152,910	19	9	4,152,940	19	9
				Ditto 1814	3,269,727	2	6¼	3,271,119	10	9½
				Ditto 1815	4,365,619	10	2	4,365,619	10	2
				Ditto 1816	76,699	16	6¾	73,745	0	7¼
Ditto 1816	37,392	10	4¾	Ditto 1818	1,603,777	17	0	1,603,777	17	0
				Ditto 1819	1,892,317	6	9½	1,442,095	16	5
				Ditto 1820	363,932	15	2¾	1,517,468	4	9¼
Total Amount received in Great Britain	44,783,426	14	2½		46,442,573	1	0¾	43,903,830	7	7½
				Interest on Exchequer Bills issued to make good Deficiency Consolidated Fund	107,332	17	5	Uncertain.		
				Total Charge payable in Great Britain	46,549,905	18	5¾	45,903,830	7	7½
Income received in Ireland	3,605,446	2	5½	Charge defrayed in Ireland	2,356,200	5	8¾			
Total Income of the United Kingdom	48,388,872	16	8							
Deficiency of Income	517,233	7	6½							
	48,906,106	4	2½		48,906,106	4	2½			

III.

ARREARS AND BALANCES OF PUBLIC ACCOUNTANTS,

FOR THE YEAR ENDED FIFTH JANUARY 1821.

[*The Accounts of Arrears and Balances were not ordered to be printed.*]

IV.

TRADE AND NAVIGATION OF THE UNITED KINGDOM.

I.—TRADE OF GREAT BRITAIN.

An Account of the Value of all IMPORTS into, and of all EXPORTS from GREAT BRITAIN, during each of the Three Years ending the 5th January, 1821 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with IRELAND); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from GREAT BRITAIN, according to the Real and Declared Value thereof.

YEARS.		OFFICIAL VALUE OF IMPORTS.		OFFICIAL VALUE OF EXPORTS.						Declared Value of the Produce and Manufactures of the United Kingdom Exported.	
				Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandize.		Total Exports.			
		£.	s.	£.	s.	£.	s.	£.	s.	£.	s.
VALUE, inclusive of the Trade with Ireland	1819	40,135,952	0	44,564,044	14	12,287,274	15	56,851,319	9	46,903,760	16
	1820	33,625,740	17	35,634,415	11	11,278,076	17	46,912,492	8	37,939,506	17
	1821	36,517,262	2	40,240,277	10	11,490,339	8	51,730,616	18	38,619,897	8
VALUE, exclusive of the Trade with Ireland.	1819	35,845,340	0	41,963,527	0	10,835,800	6	52,799,327	7	45,188,249	9
	1820	29,681,639	16	32,923,574	18	9,879,236	0	42,802,810	18	34,248,495	6
	1821	31,517,891	1	37,818,035	13	10,525,025	18	48,343,061	11	35,568,669	9

2.—TRADE OF IRELAND.

An Account of the Value of all IMPORTS into, and of all EXPORTS from IRELAND, during each of the Three Years ending the 5th January 1821 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with GREAT BRITAIN); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from IRELAND, according to the Value thereof, as computed at the Average Prices Current.

YEARS.		OFFICIAL VALUE OF IMPORTS.		OFFICIAL VALUE OF EXPORTS. Produce and Manufactures of the United Kingdom		Foreign and Colonial Merchandize		TOTAL EXPORTS.		Declared Value of the Produce and Manufactures of the United Kingdom Exported.	
		£	s.	£.	s.	£.	s.	£.	s.	£	s.
VALUE, inclusive of Trade with Great Britain	1819	6,098,720	2	6,436,950	14	84,078	9	6,521,029	4	11,776,860	14
	1820	6,395,972	17	5,708,582	15	61,882	12	5,770,465	7	9,747,206	1
	1821	5,167,014	10	7,089,441	11	89,781	6	7,179,222	18	10,308,713	11
VALUE exclusive of Trade with Great Britain	1819	1,033,660	7	736,325	17	24,057	17	760,383	15	1,423,099	0
	1820	1,093,247	8	558,261	10	25,948	11	584,210	2	956,069	12
	1821	924,542	5	577,519	13	30,886	11	608,406	5	855,983	4

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the British Empire, in the Years ending the 5th January 1819, 1820, and 1821 respectively.

	In the Years ending the 5th January, 1819.		1820.		1821.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	752	86,718	777	89,091	619	66,091
Isles, Guernsey, Jersey, and Man	9	316	20	1,381	16	1,451
British Plantations	298	17,302	328	21,701	170	9,847
Total	1,059	101,366	1,125	112,173	805	77,989

VESSELS REGISTERED.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the British Empire, on the 30th September, in the Years 1818, 1819, and 1820 respectively.

—	On 30th Sept. 1818.			On 30th Sept. 1819.			On 30th Sept. 1820.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ...	21,526	2,426,969	154,891	21,501	2,425,885	155,277	21,473	2,412,804	155,335
Isles, Guernsey, Jersey, and Man......	498	25,639	3,595	496	25,712	3,613	496	26,225	3,775
British Plantations .	3,483	221,860	15,121	3,485	214,799	15,488	3,405	209,564	15,304
Total	25,507	2,674,468	173,607	25,482	2,666,396	174,378	25,374	2,648,593	174,414

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered INWARDS, and cleared OUTWARDS, at the several Ports of the United Kingdom, from and to all Parts of the World (exclusive of the Intercourse between GREAT BRITAIN and IRELAND respectively) during each of the Three Years ending 5th January 1821.

Years ending 5th Jan.	British and Irish.			Foreign.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
INWARDS.									
1819...	13,006	1,886,394	111,880	6,230	762,457	43,936	19,236	2,648,851	155,816
1820...	11,974	1,809,128	107,556	4,215	542,684	32,632	16,189	2,351,812	140,188
1821...	11,285	1,668,060	100,325	3,472	447,611	27,633	14,757	2,115,671	127,958
OUTWARDS.									
1819...	11,442	1,715,566	106,610	5,400	734,571	40,181	16,842	2,450,137	146,791
1820...	10,250	1,562,802	97,267	3,795	556,041	30,333	14,045	2,118,843	127,600
1821...	10,102	1,549,508	95,849	2,969	433,328	24,545	13,071	1,982,836	120,394

V.—PUBLIC EXPENDITURE—5th Jan. 1821.

HEADS OF EXPENDITURE.	SUMS. £.	s.	d.	TOTAL. £.	s.	d.
I. For Interest, &c. on the Permanent Debt of the United Kingdom, unredeemed; including Annuities for Lives and Terms of Years	-	-	-	47,070,927	16	5½
II. The Interest on Exchequer Bills, and Irish Treasury Bills	-	-	-	1,849,210	13	0
III. The Civil Lists of { England £.857,780 4 4 / Ireland ......204,231 3 10½ }	1,062,011	8	2½			
IV. The other Charges on the Consolidated Fund. — Courts of Justice in England	65,137	17	2¾			
Mint	13,800	0	0			
Allowances to the Royal Family, Pensions, &c.	327,066	8	9½			
Salaries and Allowances	56,948	4	9			
Bounties	2,849	0	0			
Miscellaneous	224,896	16	0			
Permanent Charges in Ireland	381,503	19	5¾			
				2,134,213	14	5½
V. The Civil Government of Scotland	-	-	-	132,080	11	9¼
VI. The other Payments in anticipation of the Exchequer Receipts, viz. £. s. d.						
Bounties for Fisheries, Manufactures, Corn, &c. ... { Customs 277,951 2 7¼ / Excise... 81,261 12 8 }	359,212	15	3¼			
Pensions on the Hereditary Revenue { Excise ...14,000 0 0 / Post Office 13,700 0 0 }	27,700	0	0			
Militia and Deserters Warrants, &c. Excise and Taxes	51,426	6	10¼			
				438,339	2	1½
VII. The Navy, viz.						
Wages	3,454,000	0	0			
General Services	1,801,086	0	1			
	5,255,086	0	1			
The Victualling Department	1,132,713	5	7			
				6,387,799	5	8
VIII. The Ordnance	-	-	-	1,401,585	5	11¾
IX. The Army, viz.						
Ordinary Services £.7,941,512 14 4¼						
Extraordinary Services 986,140 11 4						
	8,927,653	5	8¼			
Deduct the Amount of Remittances and Advances to other Countries	1,229	12	0			
				8,926,423	13	8¼
X. Loans, Remittances, and Advances to other Countries						
Morocco	1,125	0	0			
Holland	104	12	0			
				1,229	12	0
XI. Issues from Appropriated Funds, for Local Purposes	-	-	-	49,128	18	0
XII. Miscellaneous Services, viz.						
At Home	2,324,652	16	9¼			
Abroad	292,047	12	6¼			
				2,616,700	9	3¾
				71,007,648	2	6
Deduct, Sinking Fund on Loan to the East India Company				156,906	18	6
				*70,850,741	4	0

* This includes the Sum of £. 263,353 3 6¼ for Interest, Management, and Sinking Fund, on Imperial Loan; and £. 56,972 12 9, Portuguese Loan.

VI.—PUBLIC FUNDED DEBT.

An Account of the Public Funded Debt of the United Kingdom, payable in Great Britain, as the same stood on the 5th of January, 1821.

	Capitals, at £.3 per Cent per Annum.				Capitals at £.3 10s. per Cent per Annum.	Consolidated £.4 per Cents.	Capitals, at £.5 per Cent Consolidated Annuities.
	Bank of England Annuities 1726.	South Sea Old and New Annuities 1751.	Consolidated Annuities.	Reduced Annuities.			
	£.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Total DEBT of the United Kingdom, payable in Great Britain ...	14,686,800	21,037,684 13 11½	398,828,865 17 0¼	201,171,660 17 0	22,635,246 3 11	74,935,719 2 2	141,830,057 9 7
Ditto payable in Ireland	- -	- - -	- - -	- - - -	19,376,637 12 3¾	789,784 12 3¼	11,289,803 9 3¼
Total LOANS to the Emperor of Germany, payable in Great Britain	- -	- - -	7,502,633 6 8	- - -	- - -	- - -	- - -
Ditto to the Prince Regent of Portugal, payable in Ditto	- -	- - -	- - -	895,522 7 9	- - -	- - -	- - -
	14,686,800	21,037,684 13 11½	406,331,499 3 8¼	202,067,183 4 9	42,011,883 16 2¾	75,725,503 14 5¾	153,119,860 18 10¼
In the Names of the Commissioners of the National Debt	- -	8,216,100 0 0	26,850,593 0 7	63,406,939 17 3	11,369,805 0 10	187,633 3 7¾	28,882 12 4
	14,686,800	12,821,584 13 11½	379,480,[illegible] 3 1¼	138,660,243 7 6	30,642,078 15 4¾	75,537,870 10 10	153,090,978 6 6¼
Transferred to Commissioners for Purchase of Life Annuities, per Act 48 Geo. 3, cap. 142	- -	- - -	3,682,183 0 0	2,019 847 0 0	- - -	41,706 0 0	90,646 0 0
Total.........	14,686,800	12,821,584 13 11½	375,798,723 3 1¼	136,640,396 7 6	30,642,078 15 4¾	75,496,164 10 10	153,000,332 6 6¼

(*Repeated Column.*)	CAPITALS at £.5 per Cent. Annuities 1797 and 1802.	TOTAL CAPITALS.	ANNUAL INTEREST.	Annuities for Lives, or for Terms of Years.	Charges of Management.	Annual, or other Sums, by sundry Acts.	TOTAL of ANNUAL EXPENSE.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
TOTAL DEBT of the United Kingdom, payable in Great Britain..	1,021,968 12 4	877,611,216 8 8¾	30,077,174 14 3	1,418,584 3 1¾	277,123 11 11¾	12,929,874 4 8¼	44,702,756 14 0¾
Ditto payable in Ireland......	- - -	31,456,225 13 10¾	1,274,263 17 5¾	43,724 6 2	553 16 11¼	404,542 0 9	1,723,084 1 4
TOTAL LOANS to the Emperor of Germany, payable in Great Britain............	- - -	7,502,633 6 8	225,079 0 0	- - -	- - -	36,693 0 0	261,772 0 0
Ditto Ditto to the Prince Regent of Portugal, payable in Ditto	- - -	895,522 7 9	26,865 13 5¼	- - -	- - -	30,000 0 0	56,865 13 5¼
	1,021,968 12 4	917,465,597 17 0½	31,603,383 5 2	1,462,308 9 3¾	277,677 8 11	13,401,109 5 5¼	46,744,478 8 10
In the Names of the Commissioners of the National Debt	6,000 9 11	110,065,905 4 6¾	3,361,399 18 7	599 5 3	- - -	3,361,999 3 10	—
	1,015,968 2 5	807,399,692 12 5¾	28,241,983 6 7	1,461,709 4 0¼	277,677 8 11	16,763,108 9 3¼	46,744,478 8 10
Transferred to Commissioners for Purchase of Life Annuities, per Act 48 Geo. 3, cap. 141	- - -	5,834,382 0 0	177,261 8 9½	8,471 0 0	- - -	185,732 8 9½	—
	1,015,968 2 5	801,565,310 12 5¾	28,064,721 17 9½	1,453,238 4 0¼	277,677 8 11	16,948,840 18 0¾	46,744,478 8 10
Add Annuities payable at the Exchequer, unclaimed for three Years, at 5th January, 1821...						30,835 2 0	
						16,979,676 0 0¾	
Deduct Life Annuities, payable at the Bank of England............						383,000 8 0	
Amount applicable to the Reduction of the Debt of the United Kingdom						16,596,675 12 0¾	

REDEMPTION OF THE PUBLIC FUNDED DEBT.

An Account of the Progress made in the Redemption of the PUBLIC FUNDED DEBT of the United Kingdom, payable in GREAT BRITAIN, at the 5th January, 1821.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners, from 1st August 1786, to 5th Jan. 1821.	TOTAL SUMS Paid.	Average Price of Stocks.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Consolidated £.3 per Cent Annuities	516,379,744 7 10¼	- - -	128,391,627 0 0	83,583,903 5 11	65¼
Reduced .... Do.	395,131,452 0 1	- - -	244,861,855 0 0	157,017,569 11 0	64⅝
£.3½ per Cent Annuities	22,655,246 3 11	- - -	4,334,500 0 0	3,598,504 5 6	83
Old South Sea Do.	{ 24,065,084 13 11½	- - Old	6,891,600 0 0	4,720,759 14 6	68⅗
New Do Do.	}	- - New	5,140,500 0 0	3,571,885 1 9	69⅓
£.3 per Cent Do. Anno 1751	1,919,600 0 0	- - -	1,131,000 0 0	796,780 10 0	70½
Consolidated £.4 per Cent Annuities	82,732,119 2 2	- - -	7,796,400 0 0	6,586,934 8 9	84⅞
Do. £5 Do. Do.	141,972,057 9 7	- - -	145,500 0 0	130,113 7 6	89¾
£.5 per Cent Annuities, Anno 1797 and 1802	1,021,968 12 4	- - -	—	—	—
£.3 per Cent Do. Anno 1726	1,000,000 0 0	—	—	—	—
Do. Bank Annuities	14,686,800 0 0	—	—	—	—
Consolidated Long Annuities	- - -	1,359,435 18 8½	—	—	—
£.5 per Cent Annuities formerly paid in Ireland	1,645,510 2 1	- - -	180,296 9 4	155,334 10 3	86⅓
Capitals transferred to the Commissioners, the Dividends on which have not been claimed for 10 years and upwards, and which are subject to the Claims of the Parties entitled thereto	- - -	- - -	393,873,278 9 4 686,822 11 6	260,171,784 14 8	
	1,203,187,582 11 11¾	1,359,435 18 8½	399,560,101 0 10		
Transferred to Commissioners, on account of Land Tax Redeemed, at 5th January 1821	25,726,200 13 11				
	1,177,[illegible]381 18 0¾ 5,8[illegible],382 0 0				
Ditto for Purchase of Life Annuities, per Act 48 Geo. 3					
	1,171,626,999 18 0¾				
Redeemed by the Commissioners, including Capitals, the Dividends upon which have not been claimed for 10 Years and upwards	399,560,101 0 10				
Unredeemed Debt of the United Kingdom, payable in Great Britain, at 5th January, 1821	772,066,898 17 2¼				

Note.—The Unredeemed Debt of £.772,066,898 17*s.* 2¼*d.* includes £.31,104,000 created Anno 1820, and the Capital Redeemed of £.399,560,101 0*s.* 10*d.* includes £.17,064,000, being the amount of Capital obtained for the Sinking Fund Loan of £.12,000,000 Anno 1820.

SUMS annually applicable to the Redemption of the National Debt.

				£.	s.	d.
Annual Charge, by Act 26 Geo. 3				1,000,000	0	0
Ditto 42 Ditto				200,000	0	0
Ditto per Act 1 Geo. 4, c. 111, being £.1 per Cent on Exchequer Bills, outstanding, at 5th January 1820				410,000	0	0
Annuities for 99 and 96 Years, Expired Anno 1792				54,880	14	6
Ditto for 10 Years Anno 1787				25.000	0	0
Exchequer Annuities Unclaimed for Three Years, at 5th January 1821				30,835	2	0
Ditto of which Nominees shall have died prior to 5th July 1802				21,481	6	1
Annual Interest on £.386,416,582 Redeemed at £.3 per Cent				11,592,497	9	2¼
Ditto on 4,334,500 Ditto 3½ per Cent				151,707	10	0
Ditto on 7,796,400 Ditto 4 per Cent				311,856	0	0
Ditto on 145,500 Ditto 5 per Cent				7,275	0	0
Ditto on 180 296 9 4 Irish £.5 per Cent payable in England				9,014	16	5½
£.1 per Cent per Annum on part of Capitals created, from 1st February 1793 to 1815, both inclusive				6,640,220	3	7½
Ann. Interest on £.5,702,030 at £.3 per Cents, transferred for Purchase of Life Ann.				171,060	18	0
Ditto on 41,706 at 4 per Cents Ditto				1,668	4	9½
Ditto on 90,646 at 5 per Cents Ditto				4,532	6	0
Long Annuities transferred for Ditto				8,471	0	0
Sinking Fund borne by Consolidated Fund, on Loans raised and Bills funded 1815, 1818 and 1819				1,377,013	4	7
Annual Appropriation on £.12,000,000, part of £.14,200,000, Loan 1807				626,255	10	5
Ann. Interest on £.193,743 14 10 at £.3 per Cents, uncl. for 10 years and upwards				5,812	6	2¾
Ditto on 24,295 14 5 at 4 per Cents Ditto				971	16	6¾
Ditto on 31,383 2 3 at 5 per Cents Ditto				1,569	3	1¼
Long Annuities, unclaimed Ditto Ditto				599	5	3
Ann. Interest on £.437,400, at 3 per Cents, purchased with unclaimed Dividends				13,122	0	0
				22,665,843	16	9½
Chargeable on the Sinking Fund:						
Life Annuities	£.383,000	8	0			
Loans and Bills, funded from 1813 to 1820	9,070,900	1	4			
Part of Charge on Treasury Bills raised for Ireland, Anno 1816	9,014	16	5½			
	9,462,915	5	9¼			
Deduct for Sinking Fund for said Loans and Bills	2,575,023	5	7¼			
				6,887,892	0	2¼
Actual Sinking Fund of Great Britain and Ireland, funded therein, Consolidated				15,777,951	16	7¼

ANNUITIES fallen in since 22nd June, 1802, or that will fall in hereafter.

	£.	s.	d.
Exchequer Annuities, 2nd and 3rd Anne; Expired 5th April, 1803	23,369	13	4
Ditto Ditto 5th Jan. 1805	7,030	6	8
Ditto 4 Anne...Ditto 5th April	23,254	11	6
Ditto 5 Ditto...Ditto 1806	7,776	10	0
Ditto 6 Ditto...Ditto 1807	4,710	10	0
Ditto Ditto 5th July	10,181	0	0
Bank Short Annuities, Do. 5th Jan. 1808	418,333	0	11
Ditto Long Ditto, will expire Ditto 1860	1,359,435	18	8½

By an Act of 42nd Geo. 3, cap. 71, such Annuities as fall in after the passing of that Act, are not to be placed to the Account of the Commissioners for the Reduction of the National Debt.

An Account of the Progress made in the Redemption of the IMPERIAL DEBT, at 5th January, 1821.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners from 1st August, 1786, to 5th January, 1821.	TOTAL SUMS Paid.	Average Price of Stock.	SUMS Annually applicable to the Reduction of the NATIONAL DEBT.		ANNUITIES fallen in since 22nd June, 1802, or that will fall in hereafter.
	£. s. d.	£. s. d	£. s. d.	£. s. d.			£. s. d.	
Imperial £.3 per Cent Annuities..............	7,502,633 6 8	- - -	2,479,087 0 0	1,564,459 0 5	62¾	£.1 per Cent per annum on Capitals created by Loan, 1797......	36,693 0 0	Imperial Annuities for 25 Years, expired 1st May 1819.
Redeemed by the Commissioners, including Capital transferred to them, the Dividends on which have not been claimed for 10 Years and upwards............	2,479,437 3 0	- - -	350 3 0			Annual Interest on £.2,479,087, at £.3 per Cent	74,372 12 2¼	£.230,000 0 0
						Ditto on £.350 3 0, Unclaimed Capital, for 10 Years and upwards, at £.3 per Cent	10 10 1	
Debt unredeemed at 5th January, 1821	5,023,196 3 8	- - -	2,479,437 3 0				111,076 2 3¼	

An Account of the Progress made in the Redemption of the DEBT of PORTUGAL, at 5th January, 1821.

FUNDS.	CAPITALS.	Long Annuities	Transferred to, or Redeemed by the Commissioners	TOTAL SUMS Paid.	Average Price of Stock.	SUMS Annually applicable	£. s. d.
Reduced £.3 per Cent Annuities..............	895,522 7 9	- - -	677,939 0 0	449,79[illegible] 15 11	66⅞	Annual Appropriation for Redemption of Loan, 1809..............	30,000 0 0
Redeemed by the Commissioners	677,939 0 0					Annual Interest on £.677,939, at £.3 per Cent.....................	20,338 3 4¾
Debt Unredeemed at 5th January, 1821	217,583 7 9						50,338 3 4¾

An Account of the Progress made in the Redemption of the Funded Debt of Ireland, payable in Ireland, at 5th January, 1821, in British Currency.

		Terminable and Life Annuities.			
£.3 10 per Cent Debentures and Stock ...	21,436,865 18 5¾	- - -	9,095,483 7 0	7,133,864 18 8	78⅜
£.4 per Cents	1,061,630 15 4¾	- - -	435,184 12 3¾	385,623 16 5¾	88¼
£.5 per Cents	12,828,712 15 10¼	110,340 12 8	1,538,909 6 7¼	1,382,187 1 2	89¾
	35,327,209 9 [illegible]	110,340 12 8	11,069,577 5 11	8,901,675 16 3¾	
Redeemed by the Commissioners	11,069,577 5 11				
Deduct Annuities expired		66,616 6 6			
Debt Unredeemed at 5th January, 1821	24,257,632 3 9¾	43,724 6 2			

Annual Charge, per Act 37 Geo. 3		62,445 5 7
Terminable Annuities expired		66,616 6 6
Part of per Centage on Loans and Outstanding Treasury Bills, at 5th January, 1821		247,403 10 2¼
Annual Interest on £.9,095,483 7 0 at 3½ per Cent		318,341 18 4
Ditto on £.435,184 12 3¾ at 4 per Cent		17,407 7 8¼
Ditto on £.1,538,909 6 7¼, at 5 per Cent		76,945 9 4
		789,159 17 7½
Chargeable on Sinking Fund		
Interest cancelled in Ireland, towards defraying the Charge of Treasury Bills raised anno 1816, the remainder being cancelled in England £.1[illegible]9,927 6 0¾		
Deduct for Sinking Fund for said Bills	28,076 18 5¾	131,850 7 7
Actual Sinking Fund of Ireland, payable in Ireland ...		657,309 10 0½

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT, and DEMANDS OUTSTANDING, on the 5th day of January, 1821.

	£	s.	d.	AMOUNT OUTSTANDING £	s.	d.
EXCHEQUER						
Exchequer Bills ... { Provided for ...	1,965,900	0	0			
{ Unprovided for ...	29,000 000	0	0			
				30,965,900	0	0
TREASURY,						
Miscellaneous Services ...	1,071,033	2	3			
Warrants for Army Services ...	51,530	14	7½			
Treasury Bills of Exchange, drawn from Abroad ...	96,806	0	0			
Irish Treasury Bills { Provided for ... 800,000 / Unprovided for ... 1,500,000 }	2,300,000	0	0			
				3,519,369	16	10½
ARMY ...				1,094,371	6	10¾
NAVY ...				1,193,155	5	1
ORDNANCE ...				269,337	3	0¼
BARRACKS ...				Nil.		
				37,012,433	11	10½

Whitehall, Treasury Chambers, 20th March, 1821.

S. R. LUSHINGTON.

VIII.—DISPOSITION OF GRANTS.

An Account, showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1820, have been disposed of; distinguished under their several Heads, to the 5th January, 1821.

SERVICES.	SUMS Voted or Granted. £	s.	d.	SUMS Paid. £	s.	d.
NAVY ...	6,586,695	3	11	5,644,158	0	0
ORDNANCE ...	1,199,650	0	0	962,638	7	10¾
FORCES ...	9,443,243	12	4	7,542,420	10	4
For defraying the Charge of the CIVIL ESTABLISHMENTS under-mentioned, viz.						
Of the Bahama Islands, in addition to the Salaries now paid to the Public Officers, out of the Duty Fund, and the Incidental Charges attending the same, from the 1st of January to 31st December, 1820 ...	3,801	10	0	2,000	0	0
Ditto ... Dominica ... from Ditto to Ditto ...	600	0	0	240	13	2
Ditto ... Upper Canada ... from Ditto to Ditto ...	10,800	0	0	5,000	0	0
Ditto ... Nova Scotia ... from Ditto to Ditto ...	13,593	15	0	6,796	17	6
Ditto ... New Brunswick ... from Ditto to Ditto ...	6,757	10	0	5,000	0	0
Ditto ... Cape Breton ... from Ditto to Ditto ...	2,885	12	2	1,600	0	0
Ditto ... PrinceEdward'sIsland from Ditto to Ditto ...	3,520	15	0	2,000	0	0
Ditto ... Newfoundland ... from Ditto to Ditto ...	15,976	0	0	4,500	0	0
Ditto ... New South Wales ... from Ditto to Ditto ...	17,081	5	0	9,000	0	0
Ditto ... Sierra Leone ... from Ditto to Ditto ...	22,358	1	0	20,000	0	0

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Of the Royal Military College; from the 25th Dec. 1819 to the 24th Dec. 1820, both inclusive, being 366 days	21,471	16	9	18,600	0	0
Of the Royal Military Asylum at Chelsea; for the same time	35,500	13	10	33,017	16	3
For discharging Interest on Exchequer Bills, Irish Treasury Bills and Mint Notes	1,000,000	0	0	465,521	3	9¼
One hundredth part of Forty-one Millions of Exchequer Bills, authorized in the last Session, to be issued and charged upon the Aids granted in the present Session, to be issued and paid by equal Quarterly Payments to the Governor and Company of the Bank of England, to be by them placed to the Account of the Commissioners for the Reduction of the National Debt; for the year ending 1st Feb. 1820	410,000	0	0	307,500	0	0
For defraying the Expense attending the confining, maintaining and employing Convicts at home; for 1820	83,675	0	0	83,675	0	0
For defraying the Expense of confining and maintaining Criminal Lunatics; for 1820	3,161	0	0	1,548	14	1
For defraying the Expenses that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom; for 1820	8,000	0	0	4,000	0	0
For defraying the Expense of Law Charges; for 1820	40,000	0	0	30,000	0	0
To make good the Deficiency of the Grant of 1819, for defraying the Charge of Printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts	19,724	17	9	—		
For defraying the Charge of Printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords; for 1820	21,000	0	0	—		
To make good the Deficiency of the Grant for 1819, for defraying the Expense of printing the Votes of the House of Commons, during the then Session of Parliament	1,425	11	4	1,425	11	0
For defraying the Expense of printing the Votes of the House of Commons, during the last and present Session	3,500	0	0	1,081	16	0
To make good the Deficiency of the Grant of 1819, for printing 1,750 Copies of the 74th Volume of Journals of the House of Commons	1,933	10	10	1,933	10	10
For defraying the Expense that may be incurred in 1820, for printing 1,750 Copies of the 75th Volume of the Journals of the House of Commons	3,500	0	0	—		
To make good the Deficiency of the Grant of 1819, for defraying the Expense of printing Bills, Reports and other Papers, by Order of the House of Commons, during the then Session	8,765	8	5	8,765	8	5
For defraying the Expense of printing Bills, Reports and other Papers, by Order of the House of Commons, during the last and present Session	21,000	0	0	4,789	3	0
For defraying the Expense that may be incurred for reprinting Journals and Reports of the House of Commons; in 1820	3,000	0	0	—		
For defraying the Charge of the Allowances or Compensations granted or allowed as Retired Allowances or Superannuations, to Persons formerly employed in Public Offices or Departments, or in the Public Service, according to the provisions of an Act of the 50 Geo. 3, c. 117; for 1820	4,158	3	4	1,290	0	0
To make good the Deficiency of the Fee Funds in the Departments of the Treasury, three Secretaries of State and Privy Council; for 1820	73,608	0	0	46,244	5	3¼
For defraying the Contingent Expenses and Messengers Bills in the Departments of the Treasury, three Secretaries of State, Privy Council and Lord Chamberlain; for 1820	85,628	0	0	56,445	10	7
For defraying the Amount of Bills drawn or to be drawn from New South Wales; for 1820	100,000	0	0	60,000	0	0
For defraying the Expense of Works, and Repairs of Public Buildings; for 1820	41,787	0	0	10,274	0	10
For defraying the Salaries to the Officers, and Expenses of the Court, and Receipt of Exchequer; for 1820	7,000	0	0	1,517	14	9

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
For defraying the Expenses of the Houses of Lords and Commons; for 1820	21,668	0	0	17,296	18	7
To make good the Deficiency of the Sum granted in the year 1819, for defraying the Expenses of the Houses of Lords and Commons	6,889	6	7	6,889	6	7
For defraying the Salaries and Allowances to the Officers of the Houses of Lords and Commons; for 1820	27,604	0	0	24,193	3	6
For His Majesty's Foreign and other Secret Services; for 1820	60,000	0	0	22,569	0	0
For defraying the expenses incurred for printing by Order of the Commissioners, for carrying into execution the Measures recommended by the House of Commons, respecting the Records of the Kingdom; for 1820	12 528	14	5	—		
To make good to the Civil Contingencies the like Sum advanced thereout in the year 1819, for Public Services, not being part of the Ordinary Expenditure of the Civil Contingencies	25,466	13	0	21,568	3	10¼
To enable His Majesty to grant Relief to Toulonese and Corsican Emigrants, Saint Domingo Sufferers, Dutch Naval Officers, and others, who have heretofore received Allowances from His Majesty, and who from Services performed or Losses sustained in the British Service, have special Claims upon His Majesty's Justice or Liberality	25,000	0	0	6,000	0	0
For defraying the Supplemental Charge for Miscellaneous Printing done by Order of the House of Commons in Session 1819	12,000	0	0	—		
To enable His Majesty to provide for such Expenses of a Civil nature, as do not form a part of the Ordinary Charges of the Civil List; for 1820	300,000	0	0	299,978	1	1
Towards completing the Purchases necessary for the completion of the New Street, in conformity to an Act of the 53rd year of his late Majesty	100,000	0	0	90,000	0	0
On Account of the Expenses of His Majesty's Coronation	100,000	0	0	—		
To enable His Majesty to pay the same to Persons, who at the time of his late Majesty's decease, received Salaries or Allowances from his Majesty's Privy Purse	403	6	0	403	6	0
Towards satisfying such Annuities, Pensions and other Payments as would have been payable out of the Civil List, in case the demise of his late Majesty had not taken place before the 5th April 1820, or out of the Consolidated Fund of Great Britain and Ireland; in case the demise of his late Majesty had not taken place before the 5th July 1820, and to enable His Majesty to make such Advances as may be necessary for the Expenses of Her Majesty, until Parliament shall make other provision in respect thereof	200,000	0	0	132,063	0	2
The following SERVICES are directed to be paid, without any Fee or other Deduction whatsoever:						
To be applied towards the Expenses to be incurred in the Management of the British Museum; for 1820	10,009	16	10	10,009	16	10
Towards defraying the Expense of the building of a Penitentiary House at Milbank; for 1820	60,000	0	0	43,000	0	0
For defraying the Expense of the Establishment of the Penitentiary House at Milbank; from the 24th June 1820 to the 24th June 1821	21,000	0	0	5,000	0	0
For defraying the Expense of the National Vaccine Establishment; for 1820	3,000	0	0	3,000	0	0
For the Relief of American Loyalists; for 1820	9,000	0	0			
Towards the Repair of Henry the Seventh's Chapel; for 1820	3,317	6	9	3,317	6	9
For defraying the Expense of Works carrying on at the College of Edinburgh; for 1820	10,000	0	0	10,000	0	0
For maintaining and repairing the British Forts on the Coast of Africa; for 1820	25,000	0	0	25,000	0	0
For defraying the Sum which may be wanted for the year 1820, to pay the Salaries and Incidental Expenses of the Commissioners appointed on the part of His Majesty under the Treaties with Spain, Portugal and the Netherlands, for preventing the illegal Traffic in Slaves; and in pursuance of the Acts of the 58th and						

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS. Paid.		
	£.	s.	d.	£.	s.	d.
59th years of his late Majesty King George 3rd, for carrying the said Treaties into effect	21,200	0	0	12,356	8	0
To pay, in the year 1820, the Awards of the Commissioners established in London, in pursuance of an Act of the 58th year of his late Majesty King George 3rd, for carrying into effect a Convention between His Majesty and His Most Faithful Majesty, signed at London the 28th July 1817, to Claimants of Portuguese Vessels and Cargoes captured by British Cruizers, on account of the unlawfully Trading in Slaves; from the 1st June 1814	150,000	0	0	98,603	0	0¼
For the support of the Institution called "The Refuge for the Destitute;" for 1820	5,000	0	0	5,000	0	0
To enable His Majesty to pay the same to the Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy, according to the Rules and Regulations by which the Funds of that Corporation are governed	100,000	0	0	—		
For making further Alterations and Improvements, for putting into a proper State the whole Line of Road between the Village of Chirk and Bangor Ferry, in North Wales; for 1820	22,594	0	0	5,000	0	0
For defraying the Expense of making an Inland Navigation from the Eastern to the Western Sea, by Inverness and Fort William; for 1820	60,000	0	0	20,000	0	0
To enable His Majesty to pay Allowances from the 29th Jan. to the 5th July 1820, to certain of the Officers and Attendants upon His late Majesty, and to certain of the other Persons to whom his late Majesty had granted Pensions and Allowances payable out of his Privy Purse	10,500	0	0	8,056	6	0
For defraying the Charges of preparing and drawing the Lotteries for 1820, &c.	18,000	0	0	7,000	0	0
For defraying the Charge of the following Services in Ireland, which are directed to be paid Nett in British Currency:—						
For the Remuneration of certain Public Officers in Ireland, for their extraordinary Trouble in 1820	1,153	16	11	1,153	16	11
For defraying the probable Expenditure of the Board of Works in Ireland; for 1820	12,500	0	0	6,869	15	0
For defraying the Charge of Printing, Stationery, and other Disbursements, for the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle, &c.; and for Riding Charges and other Expenses of the Deputy Pursuivants and extra Messengers attending the said Offices; also Superannuated Allowances in the said Chief Secretary's Office: for one year ending the 5th Jan. 1821	19,000	0	0	13,247	4	4½
For defraying the Expense of publishing Proclamations and other matters of a Public nature, in the Dublin Gazette and other Newspapers in Ireland; for one year ending ditto	9,500	0	0	7,739	3	11¼
For defraying the Expense of Printing 1,500 Copies of a compressed Quarto Edition of the Statutes of the United Kingdom, for the use of the Magistrates of Ireland; also 250 Copies of a Folio Edition of the same, bound, for the use of the Lords, Bishops, and Public Officers in Ireland	[illegible],400	0	0	1,033	13	1
For defraying the Expense of Criminal Prosecutions, and other Law Expenses in Ireland; for one year ending the 5th Jan. 1821	20,000	0	0	20,000	0	0
For defraying the Expense of apprehending Public Offenders in Ireland; for one Year ending Ditto	1,000	0	0	276	18	5¼
For completing the Sum necessary for the Support of the Non-conforming Ministers in Ireland; for one year ending Ditto	8,628	0	0	6,471	0	0
For the Support of the Seceding Ministers from the Synod of Ulster in Ireland; for one year ending the 25th March 1821	4,034	15	5	2,017	7	8½
For the Support of the Protestant Dissenting Ministers in Ireland; for one year ending the 5th Jan. 1821	756	0	0	756	0	0
For paying the Salaries of the Lottery Officers in Ireland; for one year ending the 24th June 1820	1,718	0	0	1,718	0	0
For the Establishment and Maintenance of the Public Navigations						

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
in Ireland, vested in the Directors of Inland Navigation; for 1820	3,450	0	0	3,450	0	0
For carrying on the Works at Dunmore Harbour; in 1820	12,000	0	0	6,461	10	9
For carrying on the Works of Howth Harbour; in 1820	6,440	0	0	1,846	3	1
For clothing the Battle Axe Guards; for 18 months, commencing from the 1st June 1820	378	0	0	378	0	0
For defraying the Expense of the Police and Watch Establishments of the City and District of Dublin; for the year ending the 5th Jan. 1821	26,000	0	0	26,000	0	0
For paying the Salaries of the Commissioners appointed to inquire into the Duties, Salaries and Emoluments of the Officers, Clerks, and Ministers of Justice, in all Temporal and Ecclesiastical Courts in Ireland; for one year ending Ditto	6,000	0	0	4,500	0	0
For enabling the Lord Lieutenant of Ireland to issue Money from time to time, in Aid of Schools established by Voluntary Contributions	3,000	0	0	406	3	0¾
For defraying the Expense of building Churches and Glebe Houses, and of purchasing Glebes in Ireland; for one year ending the 5th Jan. 1821	9,230	0	0	9,230	0	0
For further defraying the Expense of building Churches and Glebe Houses, and of purchasing Glebes in Ireland; for one year ending the 5th Jan. 1821	18,461	0	0	18,461	0	0
For defraying the Expense of the Trustees of the Linen and Hempen Manufactures of Ireland; for one year ending the 5th Jan. 1821; to be by the said Trustees applied in such manner as shall appear to them to be most conducive to promote and encourage the said Manufactures	19,938	0	0	19,938	0	0
For defraying the Expense of the Commissioners for making wide and convenient Streets in the City of Dublin; for one year ending the 5th Jan. 1821	11,000	0	0	11,000	0	0
For defraying the Additional Allowance to the Chairman of the Board of Inland Navigation in Ireland; for 1820	276	18	5½	276	18	5½
For defraying the Expense of putting the House of the Royal Irish Academy in Grafton-street, into perfect Repair	300	0	0	300	0	0
For defraying the Expense of completing the Lough Allan Canal; for 1820	4,000	0	0	4,000	0	0
For defraying the Expense of supporting the Protestant Charter Schools of Ireland; for one year ending the 5th Jan. 1821	24,000	0	0	24,000	0	0
For defraying the Expense of the Foundling Hospital at Dublin; for one year ending Ditto	30,000	0	0	30,000	0	0
For supporting the House of Industry, Hospitals and Asylums for Industrious Children in Dublin; for one year ending Ditto	24,438	0	0	24,438	0	0
For defraying the Expense of supporting the Richmond Lunatic Asylum at Dublin; for one year ending the 5th Jan. 1821	6,500	0	0	6,500	0	0
For defraying the Expense of the Hibernian Society for Soldiers Children; for one year ending Ditto	9,000	0	0	9,000	0	0
For defraying the probable Charge of the Hibernian Marine Society in Dublin; for the year ending Ditto	1,800	0	0	1,800	0	0
For defraying the Expense of the Female Orphan House, in the Circular Road near Dublin; for one year ending Ditto	2,600	0	0	2,600	0	0
For supporting the Westmorland Lock Hospital in Dublin; for one year ending Ditto	4,000	0	0	4,000	0	0
For supporting the Lying-in Hospital in Dublin; for one year ending Ditto	3,000	0	0	3,000	0	0
For defraying the probable Expense of Doctor Steven's Hospital; for one year ending Ditto	1,400	0	0	1,400	0	0
For defraying the Expense of the Fever Hospital and House of Recovery in Cork-street, Dublin; for one year ending Ditto	4,600	0	0	4,600	0	0
For defraying the Expense of the Hospital for Incurables, in Dublin; for one year ending Ditto	460	0	0	460	0	0
For defraying the Charge of the Establishment of the Roman Catholic Seminary in Ireland; for one year ending Ditto	8,928	0	0	8,928	0	0
For defraying the Expenses of the Association incorporated for discountenancing Vice and promoting the Knowledge and Practice of the Christian Religion; for one year ending Ditto	6,462	0	0	6,462	0	0
For defraying the Charge of the Green Coat Hospital of the City of Cork; for one year ending Ditto	140	0	0	140	0	0

SERVICES—*continued*	Sums Voted or Granted.			Sums Paid		
	£.	s.	d.	£.	s.	d.
For defraying the Expense of the Cork Institution; for one year ending Ditto	2,300	0	0	2,300	0	0
For defraying the Expenses of the Society for promoting the Education of the Poor of Ireland; for one year ending Ditto	5,538	0	0	5,538	0	0
For defraying the Expenses of the Dublin Society; for one year ending Ditto	8,000	0	0	8,000	0	0
For defraying the Expenses of the Farming Society of Ireland, for one year ending Ditto	2,500	0	0	2,500	0	0
For defraying Civil Contingencies in Ireland; for the year ending Do.	20,000	0	0	13,08[illegible]	8	3¼
	21,101,717	2	0½	16,513,768	1	7¼
Towards paying off and discharging any Exchequer Bills or Treasury Bills, charged upon the Aids or Supplies of the years 1818, 1819 or 1820, now remaining unpaid or unprovided for .... £.38,500,000 0 0						
To pay off and discharge Exchequer Bills issued pursuant to Two Acts of the 57th year of his late Majesty, to authorize the issue of Exchequer Bills, for the carrying on Public Works and Fisheries in the United Kingdom 989,750 0 0	39,489,750	0	0	20,376,600	0	0
To pay off and discharge Irish Treasury Bills charged upon the Aids or Supplies of 1820, outstanding and unprovided for .... 2,000,000 0 0. This Sum, although voted separately, is included in the above Sum of £.38,500,000.						
	60,591,467	2	0½	36,920,368	4	7¼

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	£.	s.	d.
James Fisher, Esq. on his Salary, for additional Trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, cap. 1	375	0	0
Expenses in the Office of the Commissioners for the Reduction of the National Debt	4,700	0	0
Expenses in the Office of the Commissioners for issuing Commercial Exchequer Bills	1,500	0	0
Expenses in the Office of the Commissioners for building additional Churches, per Act 58 Geo. 3, cap. 45	3,000	0	0
Expenses in the Office of the Commissioners for the Redemption of the Land Tax	1,277	5	0
Bank of England, for Management on Life Annuities	1,575	8	7¼
Ditto to make good Deficiences of Balance on account of Unclaimed Dividends, &c. pursuant to Act 56 Geo. 3, c. 97	291,395	[illegible]	8
	303,822	16	3¼
Amount of Sums voted, as above	60,591,467	2	0½
Total Sums voted, and Payments for Services not voted	60,923,751	2	6¾

WAYS AND MEANS

for answering the foregoing SERVICES.

	£.	s.	d.
Duty on Malt, Sugar, Tobacco and Snuff, and on Pensions, Offices, &c. continued ...	3,000,000	0	0
Excise Duties, continued per Act 56 Geo. 3, c. 17 ...	3,500,000	0	0
Profits of Lotteries....	240,000	0	0
Monies to arise from the Sale of Old Naval and Victualling Stores ..	263,870	0	0
Loan per Act 1 Geo. 4, c. 17...	5,000,000	0	0
Ditto Ditto 22, from the Commissioners for the Reduction of the National Debt ...	12,000,000	0	0
Exchequer Bills Funded, pursuant to Act 1 Geo. 4, c. 13 ...	7,000,000	0	0
Interest on Land Tax redeemed by Money ...	94	15	7¾
Unclaimed Dividends, &c....	283,810	7	11
Brought from the Civil List Revenue, to replace the like Sum issued out of the Aids granted in 1820, for the Payment of certain Charges upon the Civil List, pursuant to Act 1 Geo 4, c 1, sec. 4...	29,649	18	0
Repayments on account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom ...	188,006	7	0
	30,505,381	8	6¾
Exchequer Bills voted in Ways and Means, 1 Geo. 4, c. 61 ...£.29,000,000 0 0			
Irish Treasury Bills, 1 Geo. 4, c. 46 ... 1,500,000 0 0	30,500,000	0	0
TOTAL Ways and Means...	61,005,381	8	6¾
TOTAL Sums voted, and Payments for Services not voted......	60,923,751	2	6¾
Surplus Ways and Means ...	81,630	6	0

Whitehall Treasury Chambers,
23rd March, 1821.

C. ARBUTHNOT

REPORTS.

REPORTS.

FOREIGN TRADE OF THE COUNTRY.—First Report *of the Select Committee of the House of Commons appointed to consider of the means of Improving and Maintaining the* Foreign Trade *of the Country: Ordered to be printed 9th March* 1821.

The Select Committee appointed to consider of the means of maintaining and improving the Foreign Trade of the country, and to report their opinion and observations thereupon from time to time to the House; and to whom the report relative to the timber trade, which was communicated from the Lords in the last session of parliament, and the several petitions respecting the duties on timber, presented to the House in the present session, were severally referred;—Have, pursuant to the order of the House, considered the matters to them referred; and have agreed to the following Report:

YOUR Committee have deviated from the course which their former report appeared to prescribe, and instead of proceeding to examine some of the burthens that were stated to press with considerable weight upon the foreign trade of the country generally, have applied their consideration to that particular branch of it, which embraces the importation of timber from the northern states of Europe, and the British colonies in North America. This they have done, as well on account of that branch having (as appears by a report referred to them) already occupied the attention of a committee of the other House of parliament, appointed for similar purposes; as of the anxiety they understand to prevail among the commercial and shipping interests, connected with the trade in question, and the inconvenience of a continued suspense in respect to the system which parliament may deem it expedient to adopt, on the expiration of the existing law, which, according to the latest extension of it, will terminate on the 25th of March in the present year.

In the imposition of the several duties, at present in force, on the importation of timber, the consideration of the legislature appears to have been directed to two distinct objects; first, to the protection and encouragement of the wood trade in the British American colonies; and secondly, to the augmentation of the revenue.

Regarding them in this point of view, the first question that obviously presented itself was, to the maintenance of what part of these duties, if of any, the public faith might be supposed to be committed; a short reference to the laws which imposed the respective duties, and to the circumstances attending the periods at which they were imposed, has been sufficient to satisfy your Committee on this head.

Although the policy of giving encouragement to the trade in timber from the British American colonies, may be inferred to have been previously entertained, from the acts 3 and 4 Anne, and 5 Geo. 3, by which bounties upon the export of it were granted; it does not appear to have been acted upon with much effect before the year 1809; at that time the course of events had placed our relations with the northern states (from whose territories our supplies of timber, as well for domestic as for naval purposes, had been chiefly derived) in a situation which gave rise to a well-founded apprehension, lest the resources in that quarter might entirely cease to be available for the demands of this country.

Under the influence of this apprehension, it was deemed advisable by parliament to resort to the hitherto neglected though abundant supplies to be found in our American colonies, and by adequate protection to encourage the transport of them to meet the exigency with which we were threatened; to accomplish this object, a virtual exemption from duty was granted to the timber imported from our North American possessions, while a large addition was made to that levied on timber from the north of Europe, first, by the 49th Geo. 3rd, c. 98, and in the ensuing year by the 50th, c. 77, by which the duties of the preceding year were doubled, making the whole duty on northern timber, including the temporary duty imposed in the same years, for the support and during the continuance of the war, amount to 2*l.* 14*s.* 8*d.* per load. These duties were again augmented by an addition of 25 per cent to the permanent duties on timber, in common with all other duties of customs, for the express purpose of assisting the revenue. The whole of these duties were consolidated by the 59th of the late king, and now amount to 3*l.* 5*s.* per load, when imported in British ships.

From this statement it will appear, that of these duties (however they may all alike have

operated in the way of protection to the colonial timber trade), a part only can be said to have been intended for that purpose: viz. those which were imposed by the acts passed avowedly with the object of giving encouragement to that trade, amounting to 2*l.* 1*s.* per load, and which may be contended to have led to its extension by the application of capital, which except for such inducement would never have been so invested. With respect to the exemption from duty in favour of colonial timber, that advantage was originally temporary, and has been since continued from time to time for limited periods; and although the persons concerned in the colonial timber trade may have had a just expectation that they should enjoy for a considerable period the advantages afforded them, as well by the exemption granted as by the duties imposed by the 49th and 50th Geo. 3rd; so far from any expectation being held out that the encouragement so given had been considered by government as permanent, or was intended to be indefinitely continued to them, that means seem to have been studiously taken to produce by explanation a conviction of a contrary tendency, and to impress them with the assurance that previously to the expiration of the existing law, the timber trade would be brought under consideration of parliament with the view of introducing an alteration into the scale of the present duties, that should render them more equal and more favourable to our intercourse with the foreign states with whom it was carried on. Your Committee are therefore of opinion that there is nothing which precludes the consideration of these duties, nor any part of them which in strictness may not be open to any modification, either in respect to the rate at which they shall continue, or the mode in which they shall be levied, that parliament under a sense of the public interest, may deem it prudent to introduce.

The policy most advantageous to the country, as far as the mere supply of timber is concerned, would be, to obtain it of the best quality, and at the lowest price, without reference to the quarter from whence it might be derived; and the course of your Committee has been to inquire, first, to what extent the operation of this policy is infringed by the system of duties now in force; in the next place, to examine how far the limits imposed on its operation are sustained by adequate considerations of expediency; and lastly, to determine whether, by the adoption of any and what alterations, the duties might be rendered, as far as circumstances allowed, more consistent with the regard due to the principle on which this policy proceeds, and generally more beneficial to the commercial interests of the United Kingdom.

It appears that previously to the imposition of the duties in 1809-10, the supplies of wood required for the consumption of the country were principally furnished by the northern states of Europe; that subsequently to that period, a great and gradually increasing proportion of its supplies has been drawn from the British North American colonies; that at present the use of the timber from the north of Europe, owing to the price it bears in comparison to American timber, is in a great measure confined to the higher and more valuable description of buildings, and to purposes for which increased strength in bearing is necessary or desirable; that for less substantial buildings, and for the inferior purposes to which wood is applicable, the American timber and deals have been generally brought into consumption, and although the red pine of America (of which the quantity is relatively small) is said by several witnesses to be equal in quality to the fir from the north of Europe, yet the yellow pine, of which the great importation consists, is stated, when used in this country, to be inferior to it, except for particular purposes and in particular situations, from its supposed greater liability to dry-rot, and comparative deficiency in strength and durability. At the same time there is reason to believe, from other evidence, that much prejudice subsists on this head, and that in Lancashire, where the yellow pine has been a long time in general use than in any other part of the kingdom, as well as in the neighbourhood of Shields, its qualities are considered as more valuable than they are generally esteemed; and there is repeated testimony, that when used in America, both in the construction of ships and buildings, it has been found to be free from the particular defect alluded to, and of a durability equal to that of the best timber of Europe.

The scale of comparative value attached by different witnesses to the wood drawn from each particular country, will be seen in the evidence of sir R. Seppings, Mr. Holland, Mr. White, Mr. Copland, Mr. Churchill, Mr. Smith, Mr. Haigh, Mr. Bellhouse and others, to which your Committee think it sufficient to refer.

That the supply of wood to meet the demands of the British and Irish market might be obtained with greater facility and cheapness to the consumer (if the means of purchasing and transporting it at the lowest rate were the only considerations to be attended to), a reference to the account of the charges of obtaining and transporting it from the northern ports of Europe, independent of the duty, will leave no doubt; and although under the pressure of the duty, the demands of the country for superior purposes may have been such as to lead to the importation to a certain amount of timber from the Baltic, it yet must be obvious, that while this duty bears upon it with its present weight, it is to those higher purposes alone to which that species of timber can be applicable; and that a great proportion of wood of an inferior quality must be forced into consumption, both in avowed substitution for the superior timber

in buildings, which thereby become less solid and lasting; and in a fraudulent application of it, when that of a superior kind has been contracted for, which, according to the evidence, if practised, can be with difficulty detected; expedients of this nature would probably not be resorted to, if the difference of price was reduced, and the inducement to prefer the American wood were less powerful. It appears, too, by the admission of some of the principal dealers, that the difference is at present such as to be prejudicial to the trade itself, and to bring into the market from the colonies an excessive quantity of timber of a very inferior description, both in point of quality and preparation, and that some alteration of the duty, calculated to approximate the relative prices of the timber from the north and from the American colonies, would be desirable, if only to confine the supply of the market to a more carefully selected and better prepared commodity. In addition to these inconveniences, the amount of the duty levied on Baltic timber, and the increased price which, under the operation of that duty, the American timber must have borne, may be considered as a bounty paid by the consumers of the United Kingdom for the benefit of the North American colonies, and the support of the superfluous shipping, to which the transport of their wood is said to afford the only employment.

The prudential considerations by which the application of the same principle appear to have been limited, are, the danger incident to want of competition, from the exclusion of colonial timber, and from a reliance for our supplies on a single source: the possible failure of supply from the north of Europe, in a moment of necessity; the maintenance and employment of our shipping, and the effect that might be produced on the various interests connected with our American trade; and the capital embarked in the establishments for carrying it on. The same prudential considerations, in the opinion of your Committee, at present forbid any recommendation on their part, tending entirely to take away the legislative protection hitherto enjoyed by the colonial trade; but, as the extent of that protection is admitted on almost all hands to exceed the necessary bounds, they have directed their attention to ascertain to what amount that protection, and in what mode, should be prospectively continued.

In so far as any alteration introduced is favourable to foreign trade, it must have a tendency to produce an increased importation from the north of Europe, and thereby possibly to induce an increased demand from that quarter for the manufactures of Great Britain; and your Committee are inclined to believe that an increased demand would be the result, as well from the desire for British manufactures that is said strongly to prevail in those countries, as from the extent to which the export of them has been maintained, notwithstanding the burthens imposed on the importation of this important branch of their produce into the United Kingdom. Your Committee do not think it improbable, that a diminution of the export of wood from the British North American colonies might, on the other hand, be experienced; some diminution, as far as the trade is concerned, would be desirable, and indeed can hardly fail to take place, even independent of any alteration of duties, owing to the excess beyond the consumption of the country, to which the importation has been, by peculiar circumstances, recently enlarged. The causes to which we may attribute this excess, are, in part, the prolonged expectation of an alteration in the rate of duties, combined with the desire to take advantage of the time the present law may continue, and to anticipate the impending change by the greatest possible previous importation; and in part, to the amount of shipping (greatly exceeding the actual demands of our commerce), which has been thrown out of employment by the conclusion of the war, and other circumstances, and which has been since engaged in this branch of trade, not so much because the employment was attended with advantage, as because it was preferable to the vessels lying entirely idle, incurring expense, and deteriorating in value.

As our intercourse with the northern states must be liable to be influenced by the fluctuations of political events; and as the exclusion from their ports, which has been once experienced, may at some future period recur, your Committee are apprehensive, that the consequences of any measure that might have the effect of placing our dependence for a supply of timber exclusively on those countries, might become eventually the occasion of serious political inconvenience and danger; and by the exclusion of competition, possibly defeat the expectation of comparative cheapness to the consumers of this country.

The alarms represented in the petitions from the shipping interest in various quarters, which have been referred by the House to your Committee, appear to proceed on a presumption of the necessarily destructive effects of any alteration made in the existing duties, a measure which is accordingly deprecated with corresponding earnestness. Your Committee feel the respect due to an interest so important to the power and safety of the country; and if all the weight is not given to the representations of the petitioners which they may expect, it is because the alarms expressed in them appear to be carried to excess, and the objects sought, not conducive to the general commercial interests of the kingdom, in which their own must be inseparably involved.

Your Committee see no reason whatever to imagine, that the alteration which they have in contemplation, would be attended with the

effect of depriving the American colonies of their due participation in the benefits of the wood trade, although it might have a moderate and temporary tendency to the reduction of the importations from thence, and so far may, in the first instance, and for a given period, affect the interests of the ship-owners. In fact, the interest of the ship-owners is the one most concerned in the present question; while that of the colonies themselves, important as it is, is still a comparatively subordinate one. Your Committee fully concur in the wisdom of that policy which has rendered the British shipping a favourite object of the attention and vigilance of parliament; but they cannot feel that, beyond the extent which may be rationally deemed essential to the safety and defence of the country, every other consideration is to be sacrificed to that object, or that it is consistent with the public welfare, that the care due to the interests of our merchants and manufacturers, and every regard to our foreign commercial relations, should be foregone, for the purpose of supporting by artificial means a mercantile marine in a state of magnitude, at which it has arrived from accidental causes alone, and which is neither conducive to the commercial prosperity, or essential to the political security of the nation; and in which (unless by the opening of new sources of employment, or the extension of those existing), the regular trade of the country is incapable of maintaining it. Of this, the great depreciation which all property in shipping is represented to have undergone, appears to your Committee to furnish sufficient proof.

The degree in which the shipping may be affected by any change that is adopted, must depend upon the influence which such change is likely to have in reducing the export of wood from the colonies. From the evidence of persons conversant in the uses to which wood is applied, your Committee collect, that for many of those uses, the wood imported from America is either indispensable, or preferable, or as good, or nearly so, as that brought from the north of Europe. In reference to the first description, are mentioned masts for ships of large dimensions, both ships of war, and the more valuable description of merchant-men, which can only be found in our North American colonies, and which must therefore form a considerable article of import into this country under almost any state of duties. To the second, all articles in which facility of working, and an extensive surface and freedom from knots is required, and to whatever extent pine timber for these purposes is employed, the American wood even at equal prices would have a preference. To the last, the application to all inferior purposes, as for packing chests, and various objects in the interior of houses, or in situations where it has the benefit of a free circulation of air: for such uses it may be fairly supposed, and indeed it is more than once admitted, that the consideration of mere cheapness would cast the balance in favour of the produce of our American provinces.

The aggregate of these applications of timber, form a very considerable proportion of the general consumption of the country; and it appears to your Committee, that it would require something little short of equality in point of price with those of the Baltic, to exclude the timber and deals of the British colonies from importation for these purposes. Nor must it be forgotten that the experience, obtained within the last few years, of the qualities and value of the American wood, which has had the effect of removing much of the prejudice that prevailed against it, in so far must probably have contributed to induce a permanent extension of its consumption.

By the estimate of some of the witnesses, the excess of supply of American pine beyond the demand, is stated to be at present considerable, insomuch that a heavy loss is incurred by the importers. This circumstance, even under the existing duties, cannot fail to lead to a reduction in its future importation, and of course to a diminution of employment, in the same degree, of the shipping engaged in the trade. If the effect of an alteration of duty should for a time increase the demand for northern timber, it must also undoubtedly tend to a similar consequence, not likely to be more than partially counterbalanced by a corresponding increase of demand for British shipping in the trade with the north of Europe from the ports of which a smaller number of vessels may be sufficient for an equal amount of importation.

By a diminution of the demand from America, the capital invested in saw-mills and establishments in those colonies, stated at 150,000*l*. may be liable to some injury. It must be recollected however, that the advantage given to the American colonial trade, on which these establishments were founded, has already extended beyond the period on which those engaged in it had any right to calculate; and having speculated on their own views of public policy, they can have no just ground of complaint, in the event of parliament taking a different view of what that policy requires, and subjecting these duties to some modification beyond the expectation which they had formed.

To the Canadian propriety, the principal value of the timber trade appears to consist in the employment it affords to the persons concerned in agriculture and their servants, during a certain period of the year, in conveying the wood from the places where it has been felled, to the places from which it is to be conveyed to the ports of export; while the part of the business which belongs to cutting and rafting, is in many instances performed by axe-men passing from the United States for this purpose, who are understood to be more expert in these operations than the labourers of the British territories.

If what has been stated by your Committee leads them to expect some diminution of the export of the American colonies, from a change in the scale of existing duties, they have also reason to believe that it is only by a temporary restraint of that export that the character of the wood is likely to be improved, and its value eventually increased; such a diminution, therefore, is in itself by no means in the contemplation of your Committee, a sufficient ground of objection on the part of the colonies to any alteration that may be proposed, unless it be such an alteration as shall be calculated extensively to exclude from consumption the timber of the North American colonies, and transfer the trade to foreigners. Within certain limits, the trade of the colonies of Great Britain have a just claim to encouragement and support from the mother country; and to such claim your Committee are anxious to give full weight. It is not, however, a question whether this encouragement and support should be given or withholden; but admitting it to be due, to what extent it should be carried, in justice to other interests, which have also their peculiar claims to attention, and which are, in the opinion of your Committee, also deeply involved in this discussion. On the fair regard shown to foreign countries, the extent of our commerce with them may depend, and in providing with too much partiality for the interests connected with the trade to and from our American colonies, we may put in hazard all those still more extensive interests that are engaged in the export to those countries which are directly concerned in the timber trade (if not of our foreign trade generally), by such a proof of deliberate preference of a principle of restriction, as the rule of our commercial policy.

In maintaining the original duty imposed expressly for the purpose of encouragement to the North American trade, it cannot be contended that every claim on public faith is not fully satisfied. In point of expediency, however, and in consideration of the interests involved, your Committee are disposed to think it may be allowed to go even something further in favour of the colonies. The difference created by duty on timber amounts at present to 3*l.* 5*s.* per load; if, by the effect of the alteration, that should be reduced to 2*l.* 5*s.* which would leave a protection, after providing for the ordinary difference in freight, in the actual selling price of the respective descriptions of timber, of 1*l.* 10*s.* per load in favour of the imports from our North American provinces, your Committee cannot but think, in recommending such a difference, they shall at least be free from the charge of not having sufficiently listened to the pretensions of the parties whose interests are involved in the colonial trade, and tendered as great sacrifice on the part of the country, both to the shipping and the colonies, as they can persuade themselves the House will be disposed to sanction. At this rate of difference, it appears to your Committee, a fairer competition will be given to foreign produce, and a freedom of choice (which, under the present relative prices can hardly be said to exist) will be secured to the consumers, between the descriptions of wood brought from the respective points of supply, while a certain and large proportion of the consumption of the united kingdom will be assured to the American colonies, in the applications of their timber to those uses for which its qualities and comparative price must give it a preference.

However the tendency of the evidence generally may be, to recommend an alteration in the duties, to such an amount as may prove a corrective to the trade, without impairing materially the consumption of the American timber; a considerable variety of opinion was expressed by the witnesses examined, as to the extent to which an alteration of the existing duty might be carried, without danger to the fair demand for the produce of our American colonies. Amidst the different opinions given, it was difficult for your Committee to determine the precise amount by which the relative difference between the colonial timber, and that from the northern states should be reduced, and in fixing upon 20*s.* they have not only taken that sum as a point between the extremes, but have been influenced by a reference to the accounts of the market in several years, and particularly in 1816, 1817, 1818, and 1819, as it is given in a paper added in the appendix, and in the evidence of two of the witnesses; when it appears to have been, according to the remarks of one of them, in a natural and healthy state; when a fair competition existed, when the prejudice entertained against American timber seemed to be on the decline, and the demand for it augmenting. The relative price was, at this period, about or nearly three to four, which has recently been reduced to one-half, owing to the unnatural situation into which the market has been brought by excessive importations, produced by the various circumstances which, at the present moment, have contributed to disturb the channels, and change the character of the trade.

Your Committee next proceeded to consider, in what mode that alteration of duty should be effected, whether by reduction of duty on Baltic timber, by an imposition of duty on American, or by a combination of both; and the result of their consideration has been, a preference of the last mode of producing the relative approximation they have recommended, in the prices of the respective descriptions of timber, by the imposition of 10*s.* on the American timber; and a corresponding reduction from the duty on that imported from the north of Europe; this they conceive to be most effectual to produce the advantages they have in contemplation; by

removing the excessive inequality of the present system, facilitating our intercourse with foreign nations, and marking our desire, as far as circumstances will permit, to adopt more liberal principles than those by which our commerce with them has been hitherto governed.

The state of the duty on deals will not, in the opinion of your Committee, allow the same degree of relative reduction to be applied to it, which has been recommended for that on timber.

The rate of duty on long deals at present falls considerably below that on timber, whilst on those of short lengths, it rather exceeds it. In what principle this distinction in favour of deals, as compared with timber in the log, originated, your Committee are at a loss to discover, and are averse to recommend a continuance of it, at least to its present extent. They feel, however, considerable difficulty in proposing to equalize the duty on timber and deals, which, if effected by a reduction of the duty on timber, must be attended with a large sacrifice of revenue, and if by an addition to that on deals, might tend in some measure rather to impair than assist the foreign trade of the kingdom, by the effect it would have on the exports of wood from those states, of which deals form the greatest proportion. This, in the opinion of your Committee, precludes the application of a rule of strict equality to deals and to timber; but it appears to them, that while the amount of duty on timber is reduced in the degree proposed, a small increase on deals of large dimensions, will in some measure lessen the distinction, at least as far as that class of deals is concerned. On the shorter deals, they recommend some reduction of duty, less with reference to the manner in which the duty at present bears upon this description of deals in comparison with timber, than in consideration of the difference in the quantity of wood contained in a given number of deals of the larger and smaller dimensions, which seems to call, in respect of the latter, for a more favourable assessment. Another alteration which has suggested itself to your Committee, is one that has reference to deal ends, on which a comparative low duty has been hitherto levied, in order to accommodate the ship-owner in broken stowage; this indulgence has been found to lead to great abuse in covering the introduction of timber of this description as cargo (a practice never contemplated) to an extent most injurious to the revenue. They therefore submit the propriety of confining the length of this class of deals to six feet, and making a moderate reduction in duty to which they are at present liable.

In consequence of the report referred to them, the mode of levying the duty on deals and wood of the other denominations, under which it is imported into this country, according to the cubic measure, has been an object of your Committee's examination; and although the reduction of them all to their cubical contents in assessing the duty, seems, on the first view of it, the most easy as well as the most equitable principle that could be adopted, your Committee have found reasons in support of continuing the existing mode (both as a matter of convenience and as producing a degree of equality between the countries by which our importations of wood are furnished), sufficient to prevent their proposing to the House to relinquish it; in preserving the mode, however, they are of opinion, that an improvement may be introduced into the scale now in use, by admitting a gradation of duty, between the deal ends and deals of the largest class, which, it appears to your Committee, would attain more effectually that advantage by which the existing mode of levying the duty is chiefly recommended.

Your Committee have abstained from entering, in this report, into details upon the subject of battens, oak-plank, staves, deck-plank, paling-boards, masts, spars, and the other various denominations under which timber is imported, to which their attention has been directed. The duties on these will be influenced by those on the more important articles; and will make a necessary part of any measure that may hereafter be submitted to the House.

The policy of a legislative preference being given to the importation of timber in the log, and the discouragement of the importation of deals, seems to your Committee very doubtful, both because they are of opinion that any advantage to be expected from the conversion of timber into deals in this country, will not be sufficient to compensate for the corresponding disadvantage to the general consumer (to whom the deals would come with a considerable increase of cost), and because it is founded on a principle of exclusion, which they are most averse to see brought into operation in any new instance, without the warrant of some evident and great political expediency.

Your Committee have discovered in the accounts before them, that the protective duty in favour of British shipping, has been made to operate in different degrees on the importation of wood of different descriptions, varying from 2¼ to 5 per cent, and in some unimportant instances falling below, as in others considerably exceeding these rates, on the value of the particular article imported; for this inequality, which introduces much perplexity into the collection of the duty, there does not appear to be any sufficient reason, and they therefore submit to the consideration of the House, the propriety of making the same duty attach on all importations of wood in foreign ships alike, and that the amount of difference between the importation in the foreign ship and that in the British ship, should be fixed for the future at 5 per cent.

One only further recommendation has suggested itself to your Committee, which, in concluding their report, they are desirous of offering to the House. It has appeared in the evidence, that a great proportion of the timber which is imported from the province of Canada, is the growth of the United States, and has been permitted to be received into that province free from duty, and has from thence been exported to the United Kingdom, with all the benefits and immunities conceded to the produce of the British territory. To obviate the objection to which this practice appears to your Committee to be liable, they are of opinion, that with every exportation of timber from the British provinces in North America, a certificate of its being the produce of those provinces should be required, and that timber imported without such certificate should be hereafter charged with the same rate of duty as would be payable on it, if imported directly from a foreign state.

In submitting the result of what has occurred to them in the course of their inquiry into this important subject, your Committee have only to add, that in the recommendations which they have tendered, it has been their endeavour, to the utmost of their power, to conciliate the claims of adverse interests and the contending considerations of policy that demanded their attention. If what they propose falls far short of a recurrence to those sound principles by which all commerce ought to be regulated, they trust it will appear to the House, that they have proceeded as far as, under present circumstances, is consistent with an equitable regard to the protection due to extensive interests that have grown up under an established system, and which must be deeply affected by any material and sudden change to which that system is subjected.

9th March, 1821.

FOREIGN TRADE OF THE COUNTRY.—SECOND REPORT *of the Select Committee of the House of Commons appointed to consider of the means of Improving and Maintaining the* FOREIGN TRADE *of the Country: Ordered to be printed* 18*th May* 1821.

The SELECT COMMITTEE appointed to consider of the means of maintaining and improving the Foreign Trade of the country, and to report their opinion and observations thereupon from time to time to the House;—Have, pursuant to the order of the House, considered the matters to them referred; and have agreed to the following Report:

From the period of their submitting to the House their last report, the attention of your Committee has been directed to the commerce of the United Kingdom with India and China, and the trade between those countries and other parts of the world. The advanced state of the public business, and the additional evidence, yet to be received, before they can consider themselves as having completed their investigation into that branch of their inquiry, affords them no expectation of being able to produce a report, embracing a general view of the subject, in sufficient time to admit of any measure being founded upon it, and receiving the approbation of parliament previously to the close of the session.

It has however occurred to your Committee, in the course of their inquiry, that there are some branches of the trade, in reference to which further facilities may be afforded, with great advantage to the interests of British commerce and navigation; and that such facilities cannot be delayed to a future year, without the risk of losing much of the beneficial results which, at the present time, may be expected from them. This impression is founded rather upon general principles, and circumstances of general notoriety, than upon any particular evidence adduced before your Committee, however the tendency of that evidence may have been further to establish the expediency of the measures about to be proposed.

In adverting to the peculiar system of laws by which the trade of the East Indies is regulated, the House cannot but observe, that the subjects of foreign nations, whether European or American, are in possession of privileges far more extensive than those which are enjoyed by his majesty's subjects generally, and greater, as to many branches of circuitous and foreign trade, than have been accorded to the East India Company itself. To relieve the commerce and shipping of this country from a situation of such comparative disadvantage (for the continuance of which your Committee can discover no sufficient reason) they feel the expediency of some measure, the principle of which may be, to allow British subjects, as well private traders as the East India Company, to carry on every sort of traffic between India and foreign countries (with the exception of the trade in tea, and that with the United Kingdom and the British colonies, with which they do not propose any interference) which foreigners are now capable of carrying on; and have therefore come to the following resolution, which they submit to the House:

Resolved, "That it is expedient to permit his majesty's subjects to carry on trade and traffic, directly and circuitously, between any

ports within the limits of the East India Company's charter (except the dominions of the emperor of China) and any port or ports beyond the limits of the said charter, belonging to any state or countries in amity with his majesty.

18th May, 1821.

EAST INDIA TRADE.—REPORT *relative to the* TRADE *with the* EAST INDIES *and* CHINA, *from the Select Committee of the House of Lords, appointed to inquire into the means of extending and securing the* FOREIGN TRADE *of the Country, and to report to the House: Ordered to be printed* 11*th April* 1821.

By the LORDS COMMITTEES appointed a SELECT COMMITTEE to inquire into the means of extending and securing the Foreign Trade of the country, and to report to the House; and to whom were referred the Minutes of the Evidence taken before the Select Committee appointed in the last Session of Parliament for the like purpose; and also the several Petitions, Papers, and Accounts which had been referred to that Committee; and also the several Petitions presented in the present Session of Parliament on the subject of Foreign Trade:—

ORDERED TO REPORT,

That the Committee have met, and have proceeded in the inquiry, which had been entered upon by the said Committee appointed in the last session of parliament, into the state of British commerce with Asia, including as well that which is carried on with the territorial possessions of the honourable East India Company, as that with the Independent States in the same part of the globe.

In the conduct of this inquiry, the Committee have not thought it necessary to direct their attention to the commercial concerns of the East India Company, as administered by the Court of Directors with a view to the interests both political and financial of that corporate body, further than was necessary to elucidate the present state and future prospects of free trade, as affected by existing regulations.

This subject therefore naturally divides itself according to the various restrictions to which different descriptions of commerce in these regions are now subjected by law: that to the territorial possessions of the Company being carried on by licence only from the Company; that to other parts of Southern Asia (China excepted), and to the islands of the Indian ocean, by licence from the board of control; that to China being entirely prohibited to all British vessels but those in the actual employment of the East India Company, and the whole trade confined to ships of a certain fixed amount of tonnage.

The trade which is carried on by licence with the territories of the East India Company is confined to the presidencies of Bombay, Madras, and Calcutta, and the port of Penang.—Some inconveniencies and injury to individuals are stated to have arisen where circumstances have made it desirable to change the destination of vessels from one of these ports to another, after their arrival in the East, in consequence of the delay attendant upon obtaining a permission to do so from the local government. This, indeed, may be obviated by obtaining licences including the above-named ports generally, which have been sometimes applied for, and do not appear to have been refused. But the system of requiring licences does not appear to be attended with any public benefit; and a fee is charged for each of them.

A more material advantage might probably accrue to the free trader from being permitted to trade with other smaller ports on the coasts of Coromandel and Malabar, where the Company have already collectors of the customs established, who might effectually counteract an illicit trade; whereby a wider field of adventure may be opened, and an additional stimulus to commercial intercourse afforded to the native inhabitants. It would, however, be necessary in this case to provide by regulations, which it could not be difficult to establish, against any abuse of this extension of privilege by British vessels carrying on the coasting trade, in which there is every reason to believe they might successfully compete with the native ships, which have hitherto been considered as enjoying a monopoly of that trade, of which the East India Company could not reasonably be expected to deprive their subjects as long as they are precluded from carrying on the direct trade to Europe in India-built vessels. It must be observed, however, that the coasting trade is now open to vessels of other nations, those of the United States not being excluded from it, and instances having been stated to the Committee in which the Portuguese flag has been allowed to pass from one port to another carrying on trade, from which British European ships are excluded.

The Committee cannot dismiss this branch of the subject without observing, that although it is difficult from the great fluctuation which the free trade to the Peninsula of India has experienced since it has been admitted upon the terms of the renewed charter granted to the East India company in 1813, to estimate fairly the precise amount of its increase, it must be admitted, that its pro-

gress has been such as to indicate that neither a power to purchase nor a disposition to use commodities of European manufacture are wanting in the natives of British India, whilst the minute knowledge of the wants and wishes of the inhabitants, acquired by a direct intercourse with this country, would naturally lead to a still further augmentation of our exports. The great increased consumption cannot be sufficiently accounted for by the demand of the European residents, the number of whom does not materially vary; and it appears to have been much the greatest in any articles calculated for the general use of the natives. That of the cotton manufactures of this country alone is stated, since the first opening of the trade, to have been augmented from four to five-fold. And the taste of the natives for such articles may not improbably have been created in some instances, and extended in others, by that very glut in the market, which has doubtless, by its excess and consequent lowering of prices, frequently defeated the speculations of private merchants. The value of the merchandize exported from Great Britain to India, which amounted in the year 1815 to 870,177*l.*, had in the year 1819 increased to 3,052,741*l.*; and although the market appears then to have been so far overstocked as to occasion a diminution of nearly one-half in the exports of the following year (1820), that diminution appears to have taken place more in the articles intended for the consumption of Europeans than of natives; and the trade is now stated to the Committee by the best-informed persons to be reviving. When the amount of population and the extent of country, over which the consumption of these articles is spread, are considered, it is obvious that every facility which can, consistent with the political interest and security of the company's dominions, be given to the private trader for the distribution of his exports, by increasing the number of points at which he may have the option of touching in pursuit of a market, cannot fail to promote a more ready and extensive demand.

If the restriction of trade to vessels of the burthen of 350 tons and upwards, in all seas and countries within the limits of the East India company's charter, has any tendency to check the operations of the private trader in a direct commerce with the dominions of the East India company, it can hardly fail to operate still more as an impediment to his exertions in seeking new channels of commerce, or extending those which already exist with other countries and islands in the same part of the globe. Here a field in a great measure new, would be opened by the free admission to trade of vessels of a smaller burthen. It is stated to the Committee, by persons who have been most interested in forming a correct opinion upon the subject, that in a trade with the native powers in the Gulph of Persia, along the Red Sea, and on the Eastern coast of Africa, as well as with the islands and countries to the eastward of the company's dominions in Asia, small vessels would be employed in preference to large, from the nature of the navigation, the great value and small bulk of some of the articles, as well as the description of markets where such trade would be carried on. Some apprehension indeed has been stated to exist that vessels of that description might be exposed to frequent depredations from pirates who infest those seas, but it does not appear that there is any difference in the rate of insurance required from large and small ships: if there is a risk, however, the private merchant might safely be left to consider, how far it applies to his particular case; while the American trade in those seas, which is carried on as well in vessels below as above the burthen of 350 tons, is not stated at any time to have suffered materially from such dangers. It may be remarked, that although the native governments of India have been generally supposed to be unfavourable upon system to foreign commerce, no recent instance of such disposition has been adduced: the French, on the contrary, are stated to have been remarkably successful in some recent attempts, to open a commercial intercourse with Cochin China; and the recent knowledge which has been acquired of the manners and habits of the inhabitants in some of the islands of the Malay race, leads to a much more favourable opinion of their character and aptitude for civil and commercial intercourse than was previously entertained.

The maintenance of a free port, eligibly situated amongst the Indian islands under British protection, which the magnitude of our establishments in that quarter of the globe may enable us to support at much less expense than any other nation, may be attended with the greatest benefit to commerce and civilization. The importance of such a station, and the quick perception of its advantages, formed by the native traders in that part of the globe, may be estimated by the rapid rise of the port of Sincapore during the year that it has been in the possession of the British government, and opened for the purposes of general trade. The population, which had before scarcely amounted to 200 souls, in three months increased to not less than 3,000, and now exceeds 10,000 in the whole; while 173 sail of vessels of different descriptions arrived and sailed in the course of the first two months.

The commerce with China is carried on by the East India company, in whom the sole and exclusive right of trading with the ports of that empire, as well as the sole and exclusive right of trading and trafficking in tea to and from all the islands and ports between the Cape of Good Hope and Straits of Magellan, is now vested by law. The value and extent of this trade has naturally attracted the attention of the private merchant; and

although it could not be contemplated that the East India company would willingly relinquish so important a privilege, an earnest desire has been expressed, that the British free trader might be permitted, even previous to the expiration of the charter, to embark in those branches of the trade which the company neither carries on itself, nor appears to be immediately interested in, and in which the only competition to be encountered by the British merchant would be that of the foreign trader.

Of this description may be considered the trade in tea and other articles between Canton and foreign Europe; the tea trade within the limits of the company's charter, exclusive of the ports of the Chinese empire; and the trade between Canton and the western shores of North and South America.

The hopes entertained by merchants and others, who have the best means of information, of benefit to commerce from such an extension of its freedom, as well as the apprehensions, felt by persons of great experience in the direction of the affairs, and in the service of the East India company, of the risk with which such an extension may be attended to their political and commercial interests, will be found fully stated in the evidence and documents contained in the Appendix.

On the one hand it is confidently stated, that the low rate of British freight, and other advantages possessed by the British merchantmen, would enable the British free trader to enter into an immediate and successful competition with those of other countries, and more particularly of the United States, by whom these branches of commerce have been carried on for some years past with every appearance of progressive increase and prosperity; that thus a portion of Europe might be supplied with tea by the British trader; that the export of furs from America, which now takes place even from the British territories in American vessels, would be carried on by British shipping; and that at all events, that portion of the Eastern trade, which is carried on by the export of British manufactures in American vessels, would fall into the hands of the British merchant, with greater opportunities of extending it, afforded by a more direct intercourse; and on the other hand, it is stated to afford reasonable ground for alarm, that the seamen, who would be admitted under such circumstances to the port of Canton, might probably be a character so different from that of the seamen employed on board the vessels of the United States, and be subject to a discipline so inferior to that which prevails on board of the larger description of vessels employed in the service of the East India company, that disputes might take place and excesses be occasioned which might produce fatal consequences, by awaking the jealousy, or exciting the anger of the Chinese government.

It is also apprehended that the admission of new competitors into the market might lead to some deterioration in quality, or enhancement in the prices of teas, which are now regulated by arrangements made previously to their coming into the market between the servants of the company and the Hong merchants, who enjoy a monopoly of the sale of that article.

To what extent such hopes or such apprehensions might be realized in the progress of a trade which has never yet been permitted to exist, it is difficult perhaps to form an accurate judgment. The most natural, and indeed the only means of forming one, must be derived from the circumstances and progress of the foreign independent trade, and more especially that of the vessels of the United States with the Port of Canton. That trade, although carried on in vessels of nearly the same description that would probably be employed by the British merchants, has continued to flourish without being productive of injurious consequences, either to trade in general, or that of the East India company in particular. It is stated that it would not have done so, had it not been for the protection and other advantages derived from the establishment of the company's factory at Canton; but no satisfactory reason has been assigned, why the British free trader should not derive the same benefit from its countenance and protection, to which he certainly would not be less entitled. It must also be observed that the circumstance which has principally been relied upon as constituting the difference between the character of the American and British seaman, namely the former having a share in the profits of the voyage, applies only to that portion (not a large one) of their trade with Canton, which is employed in the export of furs from North America, and might be expected to apply in the same degree, as far as respects that portion of trade, to British vessels, if permitted to engage in it. It is admitted also, that all danger arising from disputes is greatly diminished, if not entirely removed, by the abolition of the custom which permitted seamen to go, at particular periods, in large bodies, and under no control, to enjoy liberty days on shore at Canton.

In the course of the last few years, the imports of the United States into China (comparing an average of the years 1804 5, 1805-6, 1806-7, with an average of 1816-17, 1817-18, 1818-19, being the last years of which the Committee have received an account) appear nearly to have doubled. It is alleged that the principal part of these imports consists of metals and other articles which the merchants in the United States have a greater facility in procuring than those of other countries; there can be no doubt, however, that articles of British manufacture are directly exported to China from this country by Americans; and it appears from an account procured at the Custom-house, that the declared value of those articles exported to countries within the

limits of the East India company's charter, in foreign vessels, and presumed to be chiefly to Canton, was in the last year to the amount of 178,358*l*.; and it affords some indication of an increasing taste for British manufactures in China, that an opinion prevails that they are now introduced into the Northern parts of that empire, subject to all the delay and inconvenience of transport by land through Russia and the caravan trade, of which Kaiacta and its immediate neighbourhood is the great dépôt, and which appears recently to have experienced a considerable increase.

What portion of the teas and other articles exported from China in vessels of the United States is destined for America, and what for European consumption, it is difficult precisely to determine. Although doubts have been expressed, whether the demand arising from the latter constitutes a permanent or a considerable portion of their trade, it may fairly be assumed that a contrary opinion prevails in America, as it is stated in the report upon American currency, laid before the House of Representatives in 1819, "that the annual exports in American vessels from the United States and all other ports, to China and the East Indies, can hardly be estimated at more than 12,000,000 of dollars, and it cannot be doubted that the sales of East India articles in Europe exceed that amount. The value of merchandise from China and India consumed annually in the United States is probably equal to 5,000,000 dollars; and if this be so, the consumption of East India articles by the United States is paid for by the mere profit of the trade."

On the whole, the Committee are inclined to the opinion, that regulations might be established at Canton, either by placing the free trade of Canton under the superintendance of a consul, or investing the principal servants of the company with some authority over the seamen engaged in the free trade, by which any apprehension or inconvenience might be removed; and without interfering with the monopoly of the British market enjoyed by the East India company, the British merchant might be safely admitted to a participation in a trade which has proved safe, lucrative, and capable of great improvement in the hands of the foreign trader.

In the event of these obstacles, however, being considered insurmountable, the maintenance of the establishment at Sincapore, to which vessels frequently come down from China in five days, or of any other free port as advantageously situated, might, considering the readiness of the Chinese to engage actively by every means, direct and indirect, in trade, prove highly advantageous to the interests of British commerce, if permitted to engage in the tea trade within the limits of the East India charter, exclusive of the ports of the Chinese empire.

The Committee cannot conceal from themselves, that in the present state of the law, no material benefit or facility to free trade in this quarter of the globe can be obtained, without infringing in a greater or less degree upon the privileges vested in the East India company, until the year 1834, when their present charter expires, and that their consent may be required to any measures which may be submitted for that purpose to the consideration of parliament. At the same time, considering that no propositions here suggested are intended directly or indirectly to affect the monopoly enjoyed by the company of the home market, to which the greatest importance is justly attached, but that their object is confined to procuring for the British free trader an access to markets entirely new, or the means of fair competition with the foreign merchant in those which already exist, the committee feel themselves justified in relying upon the liberality of the court of directors, upon the concern they have frequently evinced in the national prosperity, and the preference they may be expected to give to British over foreign commerce, for a disposition to meet, as far as may be consistent with their own essential interests, the wishes of their fellow-subjects, if sanctioned by the wisdom and authority of parliament.

At all events, there are some views of this subject to which the attention of parliament may be immediately directed; and the whole cannot fail to deserve its consideration, previous to the renewal of the East India company's charter.

The Committee have been informed, by the members of his majesty's government, who are members of the Committee, that a bill was prepared to be submitted to parliament in the course of last session, for extending the private trade between India and foreign Europe; and that the introduction of such a bill has only been postponed in consequence of the inquiries depending in parliament, connected with Asiatic commerce.

AGRICULTURAL REPORT.—Report *from the Select Committee of the House of Commons, to whom the several Petitions complaining of the depressed State of the* Agriculture *of the United Kingdom were referred: Ordered to be printed 18th June* 1821.

The Select Committee to whom the several Petitions which have been presented to the House in this session of Parliament, complaining of the depressed state of the

Agriculture of the United Kingdom, were referred, to inquire into the allegations thereof, and to report their observations thereupon; — Have, pursuant to the order of the House, considered the matters to them referred, and have agreed to the following REPORT:—

Your Committee do not think it necessary to preface the observations which they have to make, upon the important matters referred to them by the House, by a recapitulation of the numerous laws which have been passed, at different periods, for regulating the trade in corn. The most material of those laws have been brought under the consideration of the House by the reports of former committees on this subject. It is, therefore, sufficient to remark, that by the salutary law of 1806, a free interchange in grain of every description, was established between Great Britain and Ireland; and that the trade in foreign corn is altogether governed by the provisions of the acts of 54 and 55 Geo. 3rd, by which were, for the first time, enacted;—first, a constantly free exportation from the United Kingdom, without reference to price, or without such exportation being either encouraged by any bounty, or restrained by any duty whatsoever;—secondly, an absolute prohibition against the introduction of every description of foreign grain, meal, or flour, into the consumption of the United Kingdom, when the average prices, ascertained according to the mode established by former acts, are below certain specified rates;—thirdly, an unlimited freedom of importation, from all parts of the world, without any duty whatever, when the prices are above those specified rates.

Such being the state of the law which affects, so far as legislative interference can affect, the important interests brought under the consideration of the House by the numerous petitions presented in this session, your Committee proceeded, in the first instance to inquire into the allegations of those petitions. It is with deep regret that they have to commence their Report by stating, that, in their judgment, the complaints of the petitioners are founded in fact, in so far as they represent that, at the present price of corn, the returns to the occupier of an arable farm, after allowing for the interest of his investment, are by no means adequate to the charges and outgoings; of which a considerable proportion can be paid only out of the capitals, and not from the profits of the tenantry.

This pressure upon the farmer, is stated by some of the witnesses to have materially affected the retail business of shopkeepers in country towns connected with the agricultural districts. But notwithstanding this diminution of demand in particular parts of the country, it appears, by official returns, that the total consumption of the principal articles subject to duties of excise and customs have increased in the last year, compared with the average of the three preceding years; and also, that the quantity of cotton wool used for home consumption, and of cloth manufactured in Yorkshire, was greater last year than in the year preceding, although the export of woollens in 1820 appears to have diminished. Your Committee have not the same authentic means of ascertaining the consumption of iron, but there appears every reason to believe that it has also increased.

The opinion of your Committee, in respect to the present pressure upon the tenantry, is formed upon the best documentary evidence which the nature of the case admits of, confirmed by the testimony of many respectable witnesses, as well occupiers of land as surveyors and land-agents; and it is further strengthened by a comparison of the difference between the existing price and the average price of the last ten years, the period within which most of the present engagements, affecting the tenant of the soil, may be supposed to have been contracted. If the present price could, under all the present circumstances, be remunerative, the average price of that period must have afforded an excessive profit; which does not appear probable, nor warranted by any facts. The only fair inference perhaps, to be drawn from such a comparison, and from the state of our agriculture during the last war, is, that for a considerable part of that period, the returns of farming capital somewhat exceeded the ordinary rate of profit, and that at this time they are considerably below it.

However much this revulsion is to be lamented, both as it affects the public interest, and the interests, and immediate prospects of a most meritorious class of the community, it is a revulsion of the same nature (whatever may be its degree) as many which have occurred in different periods of our history; and it is no more than an act of justice to the tenantry of Great Britain to state, that so far as your Committee have been able to ascertain, the rents, with some exceptions in particular districts, have hitherto been collected, without more arrear than has occurred on several former occasions. This punctuality, whilst it is highly honourable to the character of the tenantry, affords (your Committee trust) a ground of hope, that the great body of the occupiers of the soil, either from the savings of more prosperous times, or from that credit which punctuality will generally command in this country, possess resources which will enable them to surmount the difficulties under which they now labour. The pressure of these difficulties has led, in many instances, to a diminution of rents, varying in degree according to the proportion in which such rents had been increased betwen the years 1793 and 1814, which diminution is stated by several of the witnesses to have been made as well upon subsisting leases, as in cases where farms have been recently relet.

Your Committee cannot allude to the state

of rents in this country, without observing, that a large proportion of the increase of the rent which has taken place within the last twenty years, is owing to the capitals which have been permanently vested in improvements, partly by the owners and in part by the tenants of the soil; by the judicious application of which capitals, in many instances great tracts of land, theretofore waste, or comparatively of little value, have been brought into productive cultivation.

A further proportion of the increase of rent is, unquestionably, to be ascribed to the diminished value of our currency, during a great part of the period when this rise took place. It may be difficult, upon an average of the whole kingdom, and still more difficult in specific cases, to determine what part of the increase of rents may have arisen from this cause; but it is certainly not inconsiderable, and was, during the war, sufficient probably to compensate to the landlords the effects of the derangement of the currency. The restoration of that currency will necessarily lead as existing engagements lapse, to new arrangements between landlord and tenant; in the adjustment of which the permanent effect of that restoration, however difficult exactly to ascertain, will have its practical effect.

But your Committee cannot omit to state their opinion, that any attempt to determine that effect at this moment, would give an erroneous, and possibly an exaggerated measure of its prospective influence. Having been long *below*, the currency appears now to be forced *above*, its standard. In making this remark, it is by no means designed to offer an opinion upon the precautions which have been taken, and the preparations which have been made by the Bank, for the resumption of cash payments. But it must be obvious, that if the effect of those preparations has been, to contract, in any considerable degree, the amount of coin previously circulating in Europe, by withdrawing it from that circulation into the coffers of the Bank, the value of money must have been raised generally on the continent; and if, coincident with that operation, the separate currency of this country has also been contracted, not only in the degree necessary,—first, to restore it to its relative par value with the metallic currency of other countries, but farther, to place it at a permanent premium above that metallic currency; (itself enhanced in value in proportion to the amount withdrawn by the purchases of the Bank), it would seem to follow, that the proportion of our circulation is now somewhat *below*, and the value of the currency somewhat *above*, what would be requisite to maintain that currency upon a level with the diminished circulation, and consequently, with the increased value of money in the other countries of the world. The present price of standard silver in bank paper, the very high course of the foreign exchanges, and the immense influx of bullion for the last nine months, without any decline in those exchanges, now higher with all countries than at any former period, all concur strongly to warrant this conclusion.

It would be foreign to the immediate object of this report to pursue this subject farther; your Committee, however, cannot but ascribe a proportion of the depression of prices, which (as they will hereafter have occasion to observe) now generally prevails in other countries, as well as in this, to the measures which the restoration of our currency had rendered necessary; the general effect of which has been, in some degree, to derange the markets of every part of the civilized world; an effect which has been aggravated in those markets, as well as in our own, by the endeavours of other countries to revert to a metallic currency simultaneously with ourselves.

Whatever therefore may be the ultimate operation of the restoration of the currency upon the nominal rental of the kingdom, your Committee incline to believe that it will fall far short of some of the exaggerated predictions to which the present alarms have given rise; and they see no reason to apprehend that the diminution can ultimately exceed that proportion of the increase which, during the war, grew out of the depreciated value of the currency.

Under circumstances favourable to the prosperity of the country, which they trust may fairly be anticipated from the continuance of peace, they are disposed to hope that this diminution may not be carried even to that extent; although, as a general principle, your Committee cannot doubt, that, in so far as the alteration of our currency has contributed to lower the price of commodities, the productions of agriculture have been, and must hereafter, in common with all other articles, be affected by the improved value of our money.

But your Committee are also satisfied, by the result of their inquiries, that, in the present year, the price of corn has been farther depressed by the general abundance and good quality of the last harvest, in all articles of grain and pulse; more particularly in Ireland, in which part of the united kingdom the preceding harvest of 1819, was also uncommonly productive. Several of the witnesses examined have stated their belief that the prices of grain have further been depressed, in the present year, by the very large importations of foreign corn which took place before the ports were closed in the month of February 1819; but looking to the very high prices, and to the constant and brisk demand which prevailed in our markets so long as the ports continued open in 1817 and 1818, it may be inferred that the greatest part of those importations was necessary, and was disposed of during those years, to supply the daily wants of our consumption, and that it is therefore only in a remote degree that the present prices

can be influenced by the occurrences of that period.

It can scarcely be necessary for your Committee to remark, that the growth of wheat has been greatly extended and improved of late years, in all parts of the united kingdom, but principally in Ireland, since the year 1807.

Your Committee feel it an important part of their duty to recall to the recollection of the House, and the country, that, in the years 1804 and 1814, a depression of prices,—principally caused by abundant harvests, and a great extension of tillage, excited by the extraordinary high prices of antecedent years,—appears to have produced a temporary pressure and uneasiness among the owners and occupiers of land, and a corresponding difficulty in the payment of rents and the letting of farms, in some degree similar to the apprehensions and embarrassments which now prevail; and, also, that in many earlier periods, similar complaints may be traced in the history of our agriculture.

Among numerous instances of these complaints, which may be found in other publications, between the middle of the 17th century and the beginning of the late reign, two have been pointed out by one of the witnesses, in which the House will not fail to remark the great similarity between the arguments and alarms which were then current with those which prevail in many quarters at this period.

That in these earlier and more remote stages of our agriculture these alarms were only temporary, and that the fears of those who reasoned upon their continuance and increase, were ere long dissipated by the natural course of seasons and events, is now matter of history. And it is impossible to look back to the discussions of the years 1804 and 1814, and more especially to the evidence taken before the Committee appointed by the House on the latter occasion, without being forcibly struck with the conformity of the statements and opinions, then produced, respecting the ruinous operation and expected continuance of low prices, with those which will be found in the evidence now collected. Indeed these statements, in some instances, come from the mouths of the same witnesses.

Your Committee will not lengthen their report, by inserting any extracts from the report of 1814, but they feel that, upon this point, they may confidently refer, on the one hand, to the general tenor of the examinations of the several surveyors and intelligent occupiers of land, whose evidence will be found annexed to that report, and, on the other, to the minutes which are now submitted to the House.

Your committee trust that this reference to past experience will not be altogether useless and unavailing to allay the alarm, and to dispel some of the desponding predictions which, by unnecessarily increasing anxiety for the future, tend to aggravate the severe pressure of our present difficulties;—that the reflections which such a retrospect is calculated to excite, may lead the occupiers of the soil, as it has led your Committee, to infer, that in agriculture, as in all other pursuits, in which capital and industry can be embarked, there have been, and will be, periods of reaction; that such reaction is the more to be expected, in proportion to the long-continued prosperity of the pursuit, and to the degree of previous excitement and exertion which that prosperity had called forth. They must add, as a further inference from the experience of former periods, to which the present crisis bears no distant resemblance, that there is a natural tendency in the distribution of capital and labour to remedy the disorders which may casually arise in society from such temporary derangements, and (without at all meaning to deny that it is the duty of the legislature to do every thing in its power to shorten the duration, and to palliate the evils of the crisis) that it often happens that these disorders are prolonged, if not aggravated, by too much interference and regulation.

It is by no means with the expectation that the suffering of our own community can be alleviated by the contemplation of a corresponding pressure upon other nations, that your Committee find themselves called upon to state, that many commodities of general and extensive demand, the staple productions of other countries, such as corn, cotton, rice and tobacco in the United States of America; sugar and rum in the West Indies; tallow, flax, hemp, timber, iron, wool, and corn, on the continent of Europe, appear to have fallen in price, in some instances more, and scarcely in any less, in proportion to the prices of those articles prior to 1816, than the fall in the price of grain in this country:—with regard to several of which articles, and the countries producing them, some of the causes which have principally affected the value of grain in this country cannot be considered as operating.

The proofs of this great revulsion of prices, in other parts of the world, may be found, as to most of those articles, in the evidence collected by your Committee, and the remainder in other authentic information now before the House. The facts, indeed, are, from their nature, matter of such notoriety to the commercial classes of the community, that they cannot admit of a doubt. So far as this state of things tends to involve other countries in embarrassment, it must be matter not of satisfaction, but of regret; and this natural feeling of every liberal mind will only be confirmed by reflecting upon the intimate connection which must exist between the advancement of other nations towards wealth and improvement, and the growing prosperity of our own. Entertaining this feeling, your Committee trust, that their motive for noticing the present state of the markets in other parts of the world, will not be misconceived. The

fact is one which naturally came within the scope of their inquiry, as tending to affect the markets of this country, and it appeared not unessential to advert to it, for the further object of showing, that the causes which have produced this great change are not confined to any one country. It would seem that the influence of that general derangement which the convulsions of the last thirty years have produced in all the relations of commerce, in the application of capital, and in the demand for labour, is not yet spent and exhausted, and that neither the habits and dealings of individuals, members of the same community, nor the transactions and intercourse of different communities with one another, have hitherto altogether adjusted themselves to that more natural state of things, which we may now hope is likely to become again the more habitual and permanent condition of society.

It is impossible to have watched with any degree of attention, the state and condition of agriculture, manufactures, and trade, under the influence of this depression in the prices of so many articles of general consumption, without being convinced that it has been attended with severe loss to several classes by whose capitals those articles have been either raised, or held for sale and distribution, to supply the wants of society; but as far as depression of price has been produced by redundant production, which, at this moment, appears to be one of the causes operating to lower the price of corn both in this and other countries, it admits of no adequate remedy, except that which must arise from the progressive adjustment of the supply to the demand, either by the diminution of the one, or the increase of the other, or more probably, by the combined operation of both.

In the article of corn, however, there is one consideration to be constantly borne in mind, most material to enable the House and the country to arrive at sound and safe conclusions on this important subject, namely, that the price of corn fluctuates more than that of any other commodity of extensive consumption, in proportion to any excess or deficiency in the supply. The truth of this proposition had not escaped several writers on this subject, and has been confirmed by many of the witnesses who have been examined; although it may be doubted, whether, generally, they were aware of its extent and practical operation in the present state of this country and of our corn laws.

The cause which produces this greater susceptibility in the corn market cannot be better explained by your Committee, than in the following extract from the answers of Mr. Tooke, one of the witnesses who was particularly examined to this point:—"Why should a different principle apply to corn than to any "other general production? Because a fall in "the price of any other commodity not of general necessity, brings the article within "the reach of the consumption of a greater "number of individuals, whereas in the case "of corn, the average quantity is sufficient "for the supply of every individual; all beyond that is an absolute depression of "the market for a great length of time, and "a succession of even two or three abundant "seasons, must evidently produce an enormously inconvenient accumulation."—"Is "there not a greater consumption of corn "when it is cheap than when it is dear, as to "quantity? There may be, and possibly "must be a greater consumption; but it is "very evident that if the population was before adequately fed, the increased consumption, from abundance, can amount to little "more than waste; and this would be in a "very small proportion to the whole excess of "a good harvest or two."—"The whole population of this country and others do not "subsist upon wheat, therefore when wheat "becomes cheaper, those who were formerly "fed upon other corn may take to feeding "upon wheat? My remark was general as "applying to corn. There is no doubt that "if there is one description of corn applicable "to human food which is abundant, and "another that is deficient, then, the principle "does not apply; my principle applies to "corn generally applicable to human food. "It may be observed, that abundant seasons "generally extend to the leading articles of "consumption, and that it seldom happens, "that in what are called commonly good "years, there is a complete failure in any one "great article."

In the substance of this reasoning your Committee entirely concur; and it appears to them that it cannot be called in question, without denying either that corn is an article of general necessity and universal consumption among the population of this country,—or that the demand is materially varied by the amount of the supply. This latter proposition, except within very narrow limits, altogether disproportioned to the fluctuations in production, is not warranted by experience. The general truth of the observation remains, therefore, unaltered by any small degree of waste on the one side, or of economy on the other; neither of which are sufficient to counteract the effect which opinion and speculation must have upon price, when it is felt how little demand is increased by redundancy, or checked by scantiness of supply.

In order to apply this leading principle, as affecting the trade in corn, to the present state of this country, and of our corn laws, your Committee will assume, what they believe is not far from our actual situation, that the annual produce of corn, the growth of the United Kingdom, is, upon an average crop, about equal to our present annual consumption; and that with such an average crop, the present import prices, below which foreign corn is by law altogether excluded, are fully sufficient, more especially since the change in

the value of our money, to secure to the British grower the complete monopoly of the home market. So long as he retains that monopoly, the fluctuation of prices in that market, will, it must be obvious, range between the *maximum* at which foreign corn is admitted, or (owing to the mode of ascertaining the averages) some temporary price not very much beyond it, and the *minimum* to which that price may be reduced, by a very abundant harvest, or a succession of such harvests, until British corn falls below the price of some foreign market, and finds a vent in exportation.

In mentioning a succession of abundant harvests as a contingency, which, by greatly reducing the price of corn, might ultimately force an exportation from this country, your Committee feel it incumbent upon them to remark, that an opinion, founded apparently upon long observation, has prevailed with respect to the continuance of favourable or unfavourable seasons, for considerable but irregular periods of years, or cycles, as they have been called by Mr. Burke; an extract from whose work, intituled, "Thoughts and Details on Scarcity," as also from the works of Dr. Adam Smith on this topic, will be found in the Minutes annexed to this Report.

If this doctrine, "That years of scarcity or "plenty do not come alternately, or at short "intervals, but in pretty large cycles and irre- "gularly," should be well founded, your Committee need not enter into details or calculations to point out to the House, how hazardous and embarrassing must be the situation of the grower of corn in a country, where the lowest price which is considered to afford him a remuneration, shall habitually and considerably exceed the prices of the remainder of the world; although up to that price, he should be secured in the complete monopoly of that country.

Upon this subject of a remunerative price, so far as relates to this country, your Committee apprehend that much misconception prevails, and particularly in the use and application of these words in the minds of the petitioners, and of several of the witnesses, who represent it as a fixed amount of 80 shillings for the quarter of wheat, and in proportion for other grain.

In the first place, it is obvious that what was deemed a remunerative price in 1815 under one state of things, may be more or less than a remunerative price in 1821 under a very different state of things. The sum of 80*s.* may represent a different value now from what it did then, and assuming rent to remain the same, the expense of seed, labour, and all other outgoings, may have been materially diminished; but, making ample allowance for these grounds of variation, it would by no means be an impossible case, that, in the ordinary acceptation of these words "remunerative price," 80*s.* at this time, may not be more, or even so much "remunerative," as that sum was held to be in 1815. The meaning usually attached to those words, is, the price at which corn can be raised, paying all present charges, and leaving to the grower a fair profit upon his capital. Now, if the country should require for its annual consumption one-fifth, for example, more of corn than was sufficient in 1815, this increased demand would require an extended tillage. Lands which, in 1815, would not have paid for cultivation, would be applied to the raising of corn, and it would be very possible that upon those lands paying no rent, and notwithstanding the increased value of money and diminished expense of production, corn could not be raised for 80*s.* a quarter. In this supposition, therefore, if it should be the policy of the state to preserve the monopoly of the home market to the home grower, it would be necessary to raise the scale of import price above 80*s.* a quarter; but then, inasmuch as the cost of raising corn on all lands, upon which it was before produced with profit, would not be augmented, that profit would be proportionally increased for the benefit, first of the tenant, during the remainder of his engagement, and afterwards of the landlord, from the period of its termination; and, after a new engagement, 80*s.* would no more be a remunerative price upon the richest land, paying the highest rent, than it would upon the poorest, paying no rent at all.

If therefore the population of the country and its power of consumption should continue to increase, it would be necessary, in order to preserve in efficacy the principle and system of our corn law, from time to time to advance the import prices, even though all the charges of producing corn should remain the same.

The change in the value of our money is, virtually, such an advance; and the result of every such advance, supposing prices not to undergo a corresponding rise in other countries, must be, to expose this country to greater and more grievous fluctuations in price, and the business of a farmer to greater uncertainty and hazard, according to the alternations of good or bad seasons.

This is the part of the present system of our corn laws, and of the principle involved in that system, which appears most to require earnest and serious consideration, with a view to the future interests and welfare of the country. The ruinously low prices of agricultural produce at this moment, cannot be ascribed to any deficiency in the protecting power of the law. Protection cannot be carried further than monopoly. This monopoly the British grower has enjoyed for the produce of the two last harvests; the ports (with the exception of the ill timed and unnecessary importation of oats during six weeks of the last summer) having been uninterruptedly shut against all foreign import for nearly thirty months.

Now the produce of the harvest of 1819 in the United Kingdom, does not appear to have exceeded an average crop; but that of 1820 was more abundant.

On the continent of Europe, the harvests both of 1818 and 1819 are stated to have been very abundant. Against the produce of those harvests our ports have been closed. The result is, an accumulation on the continent held at prices so low, that, whatever may be the depression which abundance may produce in this country, we can look to no relief in exportation, till that accumulation shall be disposed of by a scarcity on the continent, or a failing crop here; either of which will restore the markets to their natural level.

Upon a series of years, a general scarcity is, perhaps, less to be dreaded on the continent, taking its whole surface together, than in this country; because the United Kingdom, from its comparatively limited territory, is liable to greater fluctuations in the produce and quality of its harvests. The risk of these fluctuations must increase in proportion as the produce of Ireland (the part of the United Kingdom of which the climate is the most fickle) may become a more extended part of our general supply. It must, therefore, be manifest, that the evil of a failing crop would be aggravated as our dependence upon Ireland increased. It may, also, be a question, whether the produce of the poorer soils in England is not more likely to be affected by ungenial seasons; and it is certain, that the great magnitude of our consumption, as compared with former periods, must render the pressure of any deficiency created by those circumstances more severe, and the means of providing against it more difficult and more costly. A harvest which should be one-third below an average in wheat, would bring upon this country a very different degree of suffering, and would require a very different degree of exertion and sacrifice to supply the deficiency, from what would have been required under a similar failure fifty years ago.

If, on the one hand, the risk of a defective harvest is increased by these circumstances, so, on the other, will the occasional pressure of very inadequate prices be more severely felt by the grower, whenever an abundant harvest, or, possibly, more than one in succession, shall lead to a glut of produce, without the relief of a vent from exportation.

Taking therefore, as the basis of all wise regulations on the subject of the corn laws, the undeniable positions,—that the landlord, the tenant, and the consumer, have one great and common interest in maintaining a permanent and adequate supply of corn, at prices as steady as possible,—and that steadiness of price must depend, on guarding, as much as legislative interference can guard, against the effects of fluctuation of seasons;—your Committee have examined the practical operation of the present system of our foreign trade in corn, with a reference to these two points.

To prohibit the foreign supply altogether, so long as from the casualty of seasons, we are subject to years of deficient or damaged produce, has at all times been felt to be impossible. But, since the year 1815, we have had recourse to an absolute prohibition up to a certain price, and an unlimited competition beyond that price.

This system is certainly liable to sudden alterations, of which the effect may be at one time to reduce prices already low, lower than they would probably have been under a state of free trade, and at another, unnecessarily to enhance prices already high;—to aggravate the evils of scarcity, and to render more severe the depression of prices from abundance. On the one hand, it deceives the grower with the false hope of a monopoly, and by its occasional interruption, may lead to consequences which deprive him of the benefits of that monopoly, when most wanted;—on the other hand, it holds out to the country the prospect of an occasional free trade, but so regulated and desultory, as to baffle the calculations and unsettle the transactions, both of the grower and the dealer at home;—to deprive the consumer of most of the benefits of such a trade, and to involve the merchant in more than the ordinary risks of mercantile speculation. It exposes the markets of the country, either to be occasionally overwhelmed with an inundation of foreign corn, altogether disproportionate to its wants; or, in the event of any considerable deficiency in our own harvest, it creates a sudden competition on the continent, by the effect of which, the prices there are rapidly and unnecessarily raised against ourselves. But the inconvenient operation of the present corn law, which appears to be less the consequence of the quantity of foreign grain brought into this country, upon an average of years, than of the manner in which that grain is introduced, is not confined to great fluctuations in price, and consequent embarrassment, both to the grower and the consumer; for the occasional prohibition of import, has also a direct tendency to contract the extent of our commercial dealings with other states, and to excite in the rulers of those states a spirit of permanent exclusion against the productions or manufactures of this country and its colonies. In this conflict of retaliatory exclusion, injurious to both, the two parties, however, are not upon an equal footing;—on our part, prohibition must yield to the wants of the people; on the other side, there is no such overruling necessity. And inasmuch as reciprocity of demand is the foundation of all means of payment, a large and sudden influx of corn might, under these circumstances, create a temporary derangement of the course of exchange, the effects of which (after the resumption of cash payments) might lead to a drain of specie from the Bank, the consequent contraction of its circulation, a panic among the country banks,—all aggravating the dis-

tress of a public dearth, as has been experienced at former periods of scarcity.

That the present system of our corn law has a tendency, according to circumstances, at one time to reduce prices lower than they would probably have been under a state of free trade; and at another time, to enhance those prices, when already perhaps too high, will not appear paradoxical to the House, if it be considered that the practical operation of the system, in its sudden and desultory transitions, may be, not only slightly at variance with, but in direct opposition to, the principle on which it is founded;—that principle being, to shut out foreign corn from home consumption, in seasons of sufficient or abundant crops, and to give every facility to its introduction, in years of scarcity. For example, let it be supposed that on the 15th of August next, the average price of wheat, ascertained in the usual mode, should be 79*s.* 11*d.* per quarter, whatever may be the possible scantiness of the forth-coming harvest, (a fact not then capable of being ascertained), the ports will remain shut till the 15th of November; but if that average should be 80*s.* 1*d.* whatever may be the abundance of the forth-coming harvest, the ports and the warehouses of foreign corn will be opened at least for six weeks; and, in reference to the principal exporting countries, for three months.—Pursuing the supposition a little further,—if the first case should occur when there was no accumulation of foreign corn in the warehouses of this country, and very little at the shipping ports of the continent (a state of things by no means rare) the prices at home, after a failing harvest, would rise very rapidly, and become very high, before any material supply could be drawn from the north of Europe; as both the passage down the rivers, and the navigation of the Baltic would be interrupted during the winter. In the meantime, the prices on the continent would be regulated by those of this country, rising as our prices rose. In the Spring, there would be a great demand for shipping to bring over the supplies purchased during the winter, by which the charge of bringing the corn to our market would be still further increased; and thus, in various ways, prices would unnecessarily be enhanced in this country; first during the most distressing period of the year, from the want of a timely and regular supply from abroad; secondly, from the eager and general competition to procure that supply upon the sudden opening of our ports, a competition which will immediately raise the price on the continent against ourselves, until, together with the charges of conveyance, and the probable loss upon the fall of exchange, it becomes upon a level with the scarcity price of this country; and thirdly, by the direct tax which may be laid upon the export from countries to which we resort for our supplies. This tax, in the Prussian dominions, was about 10*s.* a quarter during the extreme scarcity which prevailed in this country, in the years 1800 and 1801; and it was expressly declared, that the continuance or removal of this tax would depend altogether upon the continuance or cessation of the wants of this kingdom.

But if the second supposed case (that of our ports being opened at a fraction above 80*s.*) should arise, when there was a great stock of foreign corn in the warehouses of this country and at the shipping ports of the continent (which is the present state of things) in proportion to the low and ruinous price to which that corn, from long accumulation, and want of vent, would be reduced, would be the temptation, and consequent eager competition, and simultaneous effort, to pour it upon this country; where, in the case supposed of an abundant harvest, no part of it would be wanted, and its rapid influx would not fail to lower the prices to a pitch which they never would have reached, had the trade not been liable to such sudden alternations.

The case here assumed, is precisely what occurred in the month of August last, so far as relates to oats. Your Committee think they cannot better illustrate the possible operation of the present law, than by inserting a short extract of a dispatch, which will be found in the Appendix from his majesty's consul at Hamburgh, to the marquis of Londonderry, on this occurrence:—"Agricultural produce "has progressively declined during two years, "the demand for export unusually small, and "there has been no stimulus to animate the "agriculturist. The only great change which "took place during that period was in the "article of oats. On the opening of the "English ports in August last for this grain, "an immediate rise of from 30 to 50 per cent "occurred; the shortness of the time allowed "for importation, occasioned shipments to *a* "*much greater extent* than would have been "the case had the ports remained open. There "was no anticipation here of the sudden fall "of this grain in England, and from the rapidity with which shipments were made to "arrive in time, many persons were induced "to send their grain to England, who would "not have done so, had they had time to ascertain the quantity shipped from various "quarters, and the ruinous effects to be expected from so vast and so sudden an importation. Had the English ports been "open for a year, it is probably that the importation would not have been much greater, "but it would have been more gradual, and "consequently not so ruinous; a moderate "advance on the continent, and a moderate "reduction in England, would have taken "place. The consumer in England has alone "profited, the importers from the continent "having on the whole lost much money by "the speculation. The nett price produced "from England, has been found insufficient "to pay the moderate price of the continental farmer.

"The result, therefore, of this transaction, "has been a ruinous depression in the "markets here, and a very heavy loss to "all engaged in the importation."

Your Committee cannot but remark that this importation, large as it was, amounted to no more than 726,873 quarters; and that our annual consumption of oats has been estimated, for Great Britain only, at near 30 millions of quarters; thus forcibly illustrating the effect of a comparatively trifling excess in a market of grain already abundantly supplied.

If such be the consequences of the present system, they sufficiently point out the nature of those inconveniences to which it may expose the grower, the dealer at home, and the foreign importer in his speculations abroad. When your Committee find, for instance, in the seventeen months which passed between January 1816 and June 1817, the price of wheat varying from 53*s*. 1*d*. to 112*s*. 7*d*.; and again, in the three months which ensued from June to September 1817, from 112*s*. 7*d*. to 74*s*. they cannot but ask, whether fluctuations so rapid and extensive have existed in any other commodity of universal supply and demand, or in any other country? and whether these fluctuations may not have been aggravated by some of the effects of the present law?

With respect to the effects which may be produced in this country, all the internal and commercial transactions of which so mainly depend on circulating credit, by a sudden revulsion in the foreign exchanges, the experience of the last thirty years is a sufficient warning. Your Committee therefore feel a confident assurance, that when the attention of the House is called to the subject, it will examine with a jealous care for the public interest, how far the present system of the corn trade has a tendency to bring upon the country the renewal of this calamity.

They are the more anxious to press upon the attentive consideration of the House, the possible tendency of this system of alternation between absolute prohibition and unlimited competition, from feeling that it is not founded upon a principle which has the sanction of long usage in its favour. Both the alternatives of the present system, in their present full extent, may be said to have been introduced, for the first time, by the act of 1815. Until that period positive prohibition was unknown to our corn laws, and importation was never permitted without the payment of some duty. The amount of that duty, it is true, when grain was above certain prices, which were reckoned the incipient indications of an inadequate supply from our own growth, was very little more than nominal; at prices somewhat lower, it was very moderate; and it was only when the prices had fallen, and remained for some time below that second stage in the scale, that any duty sufficiently high to check the importation attached, but subject to that duty the trade still continued to be free. The scale, for instance, by which importation was regulated in the article of wheat, up to the year 1815, was as follows:—When the average price was at or above 66*s*. duty on importation 6*d*. a quarter: between 66*s*. and 63*s*. duty on importation 2*s*. 6*d*.; below 63*s*. duty 24*s*. 3*d*. The latter duty, your Committee think it fit to observe, operated generally as a prohibition during the short periods that it was payable.

This was the principle of our corn law, as far as relates to importation, ever since the year 1773, although the scale at which the different rates of duty commenced had more than once been raised. Its practical operation appears to have been as follows:—That from the year 1773 to the year 1814,—during which period the total imports of corn have greatly exceeded the total exports, the former amounting to 30,430,189 quarters, and the latter to 5,801,440 quarters,—the ports have been constantly open and the trade free, upon the payment of a duty merely nominal, with the exception of a few short intervals when the high duty was demandable:—that from the year 1773 to the year 1792 (with the exception of the years of the American war, in which freights and insurance might be somewhat increased) the only advantage of protection which the British grower had over the foreigner, was in the amount of this nominal duty, together with the ordinary expense of peace freights, and other charges of conveyance in bringing the foreign grain to market;—and that from the year 1792 to 1814, that protection continued the same, so far as related to the duty, but was, in fact, considerably enhanced by the high rates of charge incident to the late war, and particularly by the peculiar circumstances of the continent, during the last ten years of that war. It is also to be remarked, that, up to the year 1806, the trade in corn with Ireland was under restriction; and that, since the operation of the wise law passed in that year, the importation of grain from that part of the United Kingdom, free from any charge or duty, has amounted, up to the 5th of Jan. last, to 12,304,730 quarters, whereas the whole import from Ireland in thirty-two years, between 1773 and 1806, was only 7,534,202 quarters.

The necessary consequence of the trade in corn having been virtually open with the continent, and the importation allowed at duties merely nominal, during this period of forty years, has been, that the general price, at the shipping ports on the continent, has not, upon an average, been materially lower than the price in England, except to the amount of the charges to be incurred in bringing the foreign corn to the markets of this country. The price, at a distance from those shipping ports, and in the districts which have not the benefit of good roads or internal navigation,

it is true, has been much lower, but this difference was absorbed in the expense and risk of transporting it from those districts. The quantity that can be supplied, without incurring that expense, is limited; and in proportion as the prices in England have been high, has the interior circle on the continent from which the supplies have been drawn, been extended.

The severe scarcities which we have experienced, have furnished us, therefore, with something like a measure of the degree in which they could be relieved from the surplus produce of the continent, within the prices which those scarcities respectively occasioned: whilst the mode in which every rise in the price at home adds to the power and inducement of increasing the foreign importation, shows that any increase of the rates, at which the import commences under the present system, would only tend, whenever the ports should open, to aggravate the fluctuation, and the other inconveniences which appear to your Committee to appertain to the principle of alternate monopoly and free importation.

Your Committee are the more anxious to impress upon the attention of the House the real state of our trade in foreign corn, between the years 1773 and 1814, as it appears to them, taken in conexion with the progress of general prosperity in the country, and more especially with the great improvements in agriculture, and its highly flourishing condition during that period, to suggest to parliament, as a matter highly deserving of their future consideration, whether a trade in corn, constantly open to all nations of the world, and subject only to such a fixed duty as might compensate to the grower the loss of that encouragement which he received during the late war from the obstacles thrown in the way of free importation, and thereby protect the capitals now vested in agriculture from an unequal competition in the home market,—is not, as a permanent system, preferable to that state of law by which the corn trade is now regulated. It would be indispensable, for the just execution of this principle, that such duty should be calculated fairly to countervail the difference of expense, including the ordinary rate of profit, at which corn, in the present state of this country, can be grown and brought to market within the United Kingdom, compared with the expense, including also the ordinary rate of profit, of producing it in any of those countries from whence our principle supplies of foreign corn have usually been drawn, joined to the ordinary charges of conveying it from thence to our markets.

In suggesting this change of system, for further consideration, as a possible improvement of the corn laws at some future time, the Committee are fully aware of the unfitness of the present moment for attempting such a change, when, owing to the general abundance of the late harvests in Europe, and to the markets of this country having been shut against foreign corn for near thirty months, a great accumulation has taken place in the shipping ports on the continent, and in the warehouses of foreign corn in this country; and when that accumulation, from want of any vent, is held at very low prices, and might tend still further to depress the already overstocked markets of this country, if allowed to be introduced at this period, except at such a high rate of duty as it would be inexpedient to attempt, and moreover very difficult to determine. The present market price of the corn thus accumulated, is not the measure of the cost at which it has been produced, or of the rate at which it can be afforded by the foreign grower, but the result of a general glut of the article, of a long want of demand, and of extreme distress and heavy loss on the part of those by whom it has been raised, and of those by whom it is now held, either in the warehouses of the continent or of this country.

Assuming, therefore, that under the present circumstances of the case, parliament would not now deem it expedient to abandon entirely the principle of the existing law, your Committee have anxiously directed their attention to the possibility of, in some degree, modifying its operation, so as to remedy that inconvenience to which they have more particularly referred in the earlier part of their Report;—which consists in the sudden and irregular manner in which, in many cases, foreign corn may be introduced upon the opening of the ports, under circumstances inconsistent with the spirit and intention of the law. They conceive that this object might be attained by the imposition of a fixed duty upon corn, whenever, upon the opening of the ports, it should become admissible for home consumption. It would, however, be necessary, in case this suggestion should be carried into effect, that the present import price should be fixed at a lower rate, because it is obvious that the duty would otherwise not only check the sudden and overwhelming amount of import, but also enhance the price beyond what it might reach under the present law; an effect which your Committee are so far from desirous of producing, that they think it would probably be expedient additionally to guard against it, by providing, that, after corn should have reached some given high price, the duty should cease altogether.

If such a change in the operation of the corn laws should have the effect of checking extravagant speculation and extensive import, it would be equally beneficial to the grower and the consumer. It would apply some remedy to the evil of which almost all the petitions referred to your Committee so loudly complain, and it has no tendency, either hastily or prematurely, to affect the principle upon which is rested that protection which

the law now gives to the agricultural interest of the country.

It is not the province of your Committee to specify any precise permanent duty for the protection of the British grower; nor should they, perhaps, be adequately prepared so to do without further inquiry; nor until the obstacle to that inquiry, created by the present accumulation and glut, shall be removed. At the same time, they incline to the opinion, that leaving to every part of the United Kingdom the inestimable public benefit of the most full and free competition in the home market, without regard to the difference of fertility in the soil or of expense in its cultivation, either from a difference in the price of labour, or in the amount of local and public burthens directly affecting the land; it may, perhaps, be difficult, if not impossible, putting rent out of the question, for the occupiers of some of the poorest and most expensive soils now under tillage in Great Britain, to bring their produce to market in competition with the more fertile lands of this country, and especially of Ireland. Your Committee would be anxious to suggest, for the consideration of parliament, as the principle and basis of the trade in foreign corn, such a protecting duty upon the produce of other countries, as would not aggravate to the occupiers of such soils the present difficulty of that competition. The general question, how far the forced cultivation of some of those inferior lands may have been expedient or advantageous for the public interest, is one upon which it is unnecessary to offer a positive opinion. They can, however, have no difficulty in stating that, within the limits of the existing competition at home, the exertions of industry and the investment of capital in agriculture, ought to be protected against any revulsion, but that the protection ought not to go further;—and that, if protected to that extent, the growth of our population, the accumulation of our internal wealth, affording increased employment to that population, and consequently increased means of purchasing all those articles of consumption and enjoyment, which must be derived from the soil of this country, will continue to give, as they have given during the last 60 years, the most effectual stimulus and encouragement to the progressive improvement of our agriculture, and to the consequent value of the landed property of the kingdom;—that, under such a system, there can be no apprehension that either will permanently retrograde (except in so far as rents may be nominally affected by the resumption of cash payments) or even be for any time stationary,—so long as our institutions continue to afford, to capital and industry, that superior degree of security and protection which they have hitherto found in this country,—so long as public credit and good faith keep pace with that security and protection, and as we avoid any course which, in a time of peace, and possibly of improving confidence in the stability of the institutions of other countries, might drive capital to seek a more profitable employment in foreign states. It is under the impression that the present corn law, together with the amount of our taxation, by diminishing the profits of capital, have such a tendency, that your Committee suggest the modifications which have been pointed out, as fit for further inquiry and investigation; and that they feel it their duty, also, to accompany that suggestion with a most earnest recommendation, that every opportunity should be watched, and every practical measure adopted, for reducing the amount of the public expenditure; as the only means of approximating to a state of finance, which, without impairing the credit of the country, may lead to a diminution of the existing burthens of the people.

Your Committee have abstained from urging, in favour of an open intercourse in foreign corn, those general principles of freedom of trade, which are now universally acknowledged to be sound and true, in reference to the commerce of nations. If it be for the wisdom of the House, on the one hand, to endeavour to revert to those principles as far as practicable, in this, and in all other cases; on the other, it is also for its prudence and its justice to take care, in that application, to spare vested interests, to deal tenderly with those obstacles to improvement which the long existence of a vicious and artificial system too often creates, and sometimes even to modify and limit that principle, in reference to considerations of general policy connected with the institutions, or the safety, of the state. Looking to the possible contingencies of war, your Committee are not insensible to the importance of securing the country from a state of dependence upon other, and possibly hostile, countries, for the subsistence of its population;—looking to the institutions of the country, in their several bearings and influence in the practice of our constitution, they are still more anxious to preserve to the landed interest, the weight, station, and ascendancy, which it has enjoyed so long, and used so beneficially. Their first wish, therefore, is, that, whatever general suggestions they may offer, should be scrupulously examined with a due regard to these two considerations.

As they have adverted to the state of the country between 1773 and 1814, as connected with the important subject of their inquiry, it may perhaps assist others, in their researches and reflexions, to state, that your Committee selected that period, because the year 1773 was, in fact, the commencement of a great change in the practical operation, if not in the avowed policy of our corn laws. From that date, the aggregate balance of our imports of grain, taken upon a series of years, began to exceed the balance of our exports.

But upon looking back from that year to the period of the Revolution in 1688 (a space of 85 years), our exports taken for any number of years, on the contrary, exceeded our imports. From the year 1697 (the earliest date from which accurate returns have been made) to the year 1773, the total excess of exports was, 30,968,366 quarters; upon which exports bounties amounting to 6,237,176*l.* were paid out of the public revenue. A course, somewhat similar in principle, of exciting an export by a bounty, but more desultory in its application, and more frequently interrupted by arbitrary interference, prevailed under the princes of the house of Stuart; and if we look to a still earlier period, we find that the same policy of forcing the growth of corn was attempted, by harsher expedients, during the reigns of the Tudors. Between the reign of Henry the 7th and the 39th of Elizabeth, numerous acts* of parliament were passed, for the express purpose of encouraging tillage. Those laws proceeded upon the principle of compulsion, limiting, for instance, the number of sheep and live stock, prohibiting the conversion of arable into pasture, and enjoining the breaking up of pastures, which had at any previous period been arable, either under a pecuniary penalty, or a forfeiture of half the land, "until the offence be reformed."

These compulsory laws (all of which it may be observed preceded the introduction of that act which laid the foundation of the system of our poor laws), appear to have been principally suggested by a wish to find employment for the population, and to relieve their misery, by enforcing an extension of cultivation beyond the wants of the country. But, neither under those laws, nor under the subsequent attempt to augment the produce of our agriculture, by the creation of a fictitious foreign demand, excited by a large bounty on exportation, did the agriculture of this country make any advance, at all to be compared to that unparalleled prosperity, which began with the decline of that system, about the beginning of the last reign, and which, with some few temporary interruptions, has marked its progress up to the present time. In comparing the two periods, each of nearly equal duration, between the peace of Utrecht and the commencement of the seven years war,—and between the years 1773 and 1814, —and recollecting that the first period was one of almost uninterrupted peace; and that nearly thirty years of the latter, have passed away in the exertions of two most expensive wars:—that, during the former period, the market interest of money was generally much below, and during the latter, frequently as much above the rate fixed by law;—that during the former, the aim of the legislature was, by artificial means, to divert the application of capital from other employments to that of agriculture, as well by positive bounties which forced an export of grain to other countries, as by duties which generally altogether precluded its import either from the continent or from Ireland;—that during the latter, agriculture has, in point of fact, been without either of those stimulants;—your Committee cannot look at these contrasted circumstances, coincident during the first period, with a comparative stagnation of our agriculture; and, during the second, with its most rapid growth and improvement, without acknowledging that there was nothing in the system pursued up to 1773, which necessarily promoted this most essential branch of public industry and national wealth; and also, that there is nothing incompatible with the success of both these objects, in the system which has practically prevailed since that date. If the quantity of wheat, the growth of Great Britain, was truly estimated, as it was estimated in 1773, at four millions of quarters, and if it cannot now be stated so low as at double that amount, it is evident that the change of system has been attended with no defalcation of produce. If, since that year, the number of cattle and sheep has been vastly augmented, their breeds improved, and, by those improvements, their size and aptness to fatten, and in sheep their fleeces greatly increased; if, by this augmentation of live stock, a greater quantity of manure has been produced; if all the most important but expensive meliorations of modern husbandry have been introduced; if scientific drainages have been undertaken, and extensive wastes inclosed, to augment the produce of the land,—it cannot be said that there has been a want of encouragement to invest large and adequate capitals in this branch of national industry.

If, from agriculture, your Committee look to the permanent improvements, which have been made in the country itself within the same period, the bridges which have been built, the roads which have been formed, the rivers which have been rendered navigable, the canals which have been completed, the harbours which have been made and improved, the docks which have been created,—not by the public revenue, but by the capitals and enterprize of individuals; if they look, at the same time, to the unexampled growth of manufactures and commerce—in the contemplation of this augmentation of internal wealth, which defies all illustration from comparison with any former portion of our history, or of the history of any other state;—your Committee may entertain a doubt (a doubt however, which they wish to state with that diffidence which a subject so extensive naturally imposes upon their judgment),—whether the only solid foundation of the flourishing state of agriculture, is not laid in abstaining, as much as possible, from interference, either by protection or prohibition, with the application of

* 4 Hen. 7, c. 19. 7 Hen. 8, c. 1. 2 Hen. 8, c. 13. 27 Hen. 8, c. 32. 5 & 6 Edw. 6, c. 5. 5 Eliz. c. 2. 39 Eliz. c. 2.

capital, in any branch of industry?—whether all fears for the decline of agriculture, either from temporary vicissitudes to which all speculations are liable, or from the extension of other pursuits of general industry, are not, in a great degree, imaginary?—whether commerce can expand, manufacturers thrive, and great public works be undertaken, without furnishing to the skill and labour which the capitals thus imployed put in motion, increased means of paying for the productions of the land?—whether the principal part of those productions which contribute to the gratification of the wants and desires of the different classes of the community, must not necessarily be drawn from our own soil, the demand increasing with the population, as the population must increase with the riches of the country?—whether a great part of the same capital which is employed in supporting the industry connected with manufactures, commerce, and public works, does not, passing by a very rapid course into the hands of the occupier of the soil, serve also as a capital for the encouragement of agriculture?—whether, in our own country in former times, and in other naturally fertile countries up to the present time, agriculture has not languished from the want of such a stimulus?—and whether, in those countries, the proprietors of the land are not themselves poor, and the people wretched, in proportion, as from want of capital, their labour is more exclusively confined to raising from their own soil, the means of their own scanty subsistence?

If these questions should be answered in the affirmative, it follows, that the present solidity and future improvement of our national wealth depend on the continuance of that union by which our agricultural prosperity is so closely connected with the preservation or our manufacturing and commercial greatness.

It will be for the House to appreciate this view of the subject, to watch the progress of events affecting any of the great branches of our industry, and, in its wisdom, to determine, according to circumstances, how far, and by what arrangements, it can best reconcile those considerations of state policy which make it desirable that this country should not become too habitually or extensively dependent for the subsistence of its people on foreign supply, with the necessity of guarding, as much as possible, against creating, by artificial means, too great a difference between, the cost of that subsistence here and in other countries;—not only in regard to the people themselves, but also from the risk which must be in proportion to that difference, of driving much of the capital, by which their industry and labour are supported, to seek employment in other countries. For there cannot be a doubt that this difference operates, in the same manner as taxation, to diminish the profits of capital in this country, and there can be as little doubt, that though capital may migrate, the unoccupied population will remain;—and remain to be maintained by the landed interest, upon whose resources, diminished in proportion to diminished demand, this additional burthen would principally fall.

In some of the petitions referred to your Committee, the depression and distress of all those concerned in agriculture, are mainly ascribed to the extent of our public burthens coupled with their diminished means of bearing them.

The general influence of taxation upon the state of the country, is a subject too extensive to be entered upon by your Committee, without exceeding the bounds prescribed to them by the nature of the reference made to them by the House. They lament its weight, because, however imposed, taxes must necessarily abridge the resources and comforts of those by whom they are ultimately paid. But the question for more immediate consideration is whether, in the distribution of this unavoidable evil, the profits of farming capital have been theretofore, or can permanently be more affected, than the profits of capital engaged in other branches of industry. They cannot discover any grounds for believing that, during the war, when taxation was carried to its greatest amount, the profit of farming capital was lowered in its relative proportion to the profit of other active capitals; and whatever may be the temporary effect of a casual derangement, it is obvious that this proportion must permanently be maintained, because the application of capital would otherwise be changed from one mode of employment to the other, until the proper level was restored.

So far therefore as taxes fall upon the profits of the active capitals of the country, whatever may be the objects upon which they immediately attach, or the parties by whom they are, in the first instance, paid, they operate, in their ultimate effect, as an abatement of those profits, equally affecting the trading, the manufacturing, and the farming interests, by diminishing their means either of enjoyment, or of accumulating further capital by savings from their annual incomes.

The manner and extent in which other classes of the community and other sources of income may be affected by taxation, do not come directly within the scope of the present inquiry; but your Committee think it necessary to notice a doctrine which has prevailed in some quarters,—that the price of corn in this country, in order to remunerate the grower, must increase in the same ratio as the amount of our public revenue, so that if the latter be doubled, the price of corn must be doubled also. If this assumption were well founded, it would follow, that, exclusively of any change in the value of money, the remunerating price in 1821, would be nearly one-third lower than it was in 1814, taxes not much short of that proportion to the whole of our revenue, having been taken off in Great Britain since that year. But, without deny-

ing that the price of corn may be in some degree affected by adding to our general taxation, and that any charges particularly paid by the farmer, such as tithes and poor-rates, must tend more directly to raise that price, it is obvious, from what has been already stated, that the cost of growing corn in any country is regulated by the amount of capital necessary to produce it upon lands paying no rent, and that it is the price of the portion of corn which is so raised that determines the price of all other corn; and that an increase of general taxes, affecting alike the profits of capital in all the different branches of industry, would not necessarily raise the price of the particular produce of any one. The price of corn, therefore, might fall in a country, notwithstanding additional taxation, if the quantity required for the consumption of that country could be raised, either by the cultivation of more fertile and productive soils, or by the application of a diminished capital to the same soil, in consequence of increased skill or improvements in husbandry.

In fact, no rise in the price of corn appears to have taken place during three of the wars in which this country was engaged during the last century, compared with the prices of the years preceding and succeeding those wars; and during the last of them, the American war, prices were lower than during the peace. This circumstance is the more to be remarked, as there never was perhaps a period at which the burthen of taxation appeared to press more heavily upon the resources of the country, and in which an annual increase of taxes, accompanied with an annual diminution of revenue, and a general stagnation of improvements indicated more strongly that a part of these taxes must have been paid out of the capital, and not out of the income of the nation.

On the other hand, however immense the expenditure of the last war, it is impossible to review the vast private undertakings, begun and completed during that war, in every branch of industry, without feeling that those funds by which alone the productive powers of the country can be put in motion, must have been greatly increased, and that the accumulation of national capital, however impaired by loans, or retarded by taxes, has, upon the whole, been large and progressive during that period.

If in the same space of time the national capital of some other country has not increased, or has increased only in a much smaller proportion, the mere comparison of the nominal amount of the public revenue of that country with the public revenue of this country, as they stood at the commencement of the period, and as they now stand, might lead to an unfair inference in respect to the degree in which each country has been affected by increased taxation. If the weight of the public burthens of a country be considered in reference to its population only, then (with the exception of Holland perhaps), England is the most taxed portion of Europe; but if it be measured by the aggregate of national capital, or income arising from capital, divided by the total number of people among whom that capital of income is distributed, it may then be doubted, whether, upon such an average, the proportion of tax to the income or capital of each individual, be not less in England than in several states of the continent, or even in Ireland; and whether it be materially greater now than at former periods, when both the capital, the population, and the public revenue of England, were far below what they now are. But whatever might be the consolatory result of such a comparison, if the means of making it could be accurately ascertained, and however sanguine a hope your Committee may entertain that peace will afford increased facility and encouragement to further accumulation, it is not less the duty of government directly to aid that accumulation by diminishing our expenditure, and thus both to improve the comforts and to stimulate the skill and enterprize of those classes, by whose industry and savings the capital of the whole kingdom is augmented. This duty, important at all times, appears to your Committee to be still more so, under the present circumstances of the country; for, whilst they are desirous of correcting the mistaken opinion, that the depression under which our agriculture now labours, is either exclusively or principally to be attributed to taxation, they cannot disguise from themselves, that the weight of the public burthens of the country, their nominal amount remaining the same, must be more severely felt, in proportion as the money-incomes derived from trading, farming, and manufacturing capital and industry, are diminished. No exertion, therefore, should be omitted to endeavour to reduce those burthens, as nearly as circumstances will permit, in the degree in which such incomes may have been reduced; for, in considering this subject, it is important to bear in mind, that the general amount and real pressure of taxation have been positively increased in the proportion of the improved value of our currency.

Your Committee cannot conclude the observations which they have found it their duty to submit to the House, without observing, that most of the petitions referred to them, complain of the inadequate and injurious operation of the present corn law, and pray generally for protection, not for grain only, but for all the productions of our agriculture, equal to the protection given to the manufactures of the country.

Within this principle, the petitioners appear to be friendly to an open trade; but in the application of it, as expounded in some of the petitions, and illustrated in the examination of some of the witnesses, your Committee cannot but apprehend, that the duties

which they contemplate, would be altogether prohibitory.

It cannot be necessary to enter into any statements to show, that, practically, this would be the result, in all but seasons of scarcity, of a fixed duty of 40*s.* a quarter upon wheat. Your Committee will merely repeat what they have already stated, that when the trade in corn with the continent was open, subject to the scale of duties imposed by the acts of 1773, 1791 and 1804, and in force till 1815, there never was an importation of foreign corn to any amount during the short intervals when the high duties were demandable; and yet those duties at no part of the time exceeded 24*s.* and 3*d.* per quarter. To this fact, they will only add, that what is proposed, in addition to the amount of the duty, namely, that it should be permanent, "whatever may be the price," is a proposition which your Committee are confident the legislature could never entertain, nor any considerable portion of the community ever countenance.

The suggestions with respect to duties equally prohibitory on every other article the production of the soil of this country, all come under the same principle, and are open to the same objection. The principle would, in fact, go far to annihilate commercial intercourse altogether; and is moreover founded, as it appears to your Committee, upon a mistaken statement, as well as an erroneous view of what is deemed protection to our manufactures.

In the first place, they feel the more warranted in affirming, that the argument of the petitioners rests in part upon a misconception of facts; as they observe, that one of the witnesses, in order to illustrate his ideas and the wishes of the petitioners, has furnished a table of the duties payable on foreign manufactured articles, of which several are subject to direct heavy duties of excise in this country; and upon which the importation duty, as for instance upon the article of glass, is imposed in a great measure to countervail the duty upon that article manufactured in this kingdom.

But the main grounds upon which your Committee are disposed to think that the House will look with some mistrust to the soundness of this principle, is—first, that it may be well doubted, whether (with the exception of silk) any of our considerable manufactures derive benefit from this assumed protection in the markets of this country: for how could the foreign manufactures of cotton, of woollens, of hardware, compete with our own in this country, when it is notorious that we can afford to undersell them in the products of those great branches of our manufacturing industry, even in their own markets, notwithstanding that cotton and wool are subject to a direct duty on importation, not drawn back upon their export in a manufactured state, as well as to all the indirect taxation, which affects capital in these branches, in common with that capital which is employed in raising the productions of the soil? Secondly, that there exists this most essential difference between the effect of protection given to the manufacturer (even if he did not enjoy from natural causes, a preference in the home-market) and the attempt at a similar protection and monopoly to the produce of the soil;—that in all employment of capital, either in trade or manufactures, profits are limited by competition. If, for any length of time, or from any circumstances, profits are increased, in any particular branch, above the accustomed average, additional capital seeks employment in that branch, and profits are again speedily reduced to their former level. This would equally be the case if the demand for that particular article were doubled; and it may further frequently happen, as we have witnessed of late years (in all goods, for instance, wrought of iron and cotton), that, owing to discoveries in mechanical and chemical science, and improvements in the manufacture, an immense increase of consumption may be concomitant with, and probably, in a great degree, the result of, a great fall in price.

The same principle, it is true, applies to the capital and business of the farmer; but with this important distinction, that the price of corn, taken for any series of years, is necessarily regulated by the expense of production upon the land which, at that price, make no return beyond the charge of raising it, together with the ordinary profit of the capital employed upon those lands. The cultivator of such lands, for the time, is upon a footing with the merchant and the manufacturer; but if the demand for corn were doubled, it would force into cultivation poorer lands, requiring a larger capital to raise the same quantity of produce; the price of that produce would determine the price of the whole, or those poorer lands could not be maintained in cultivation; for there cannot permanently be two rates of profit in the same occupation. It is sufficient for your Committee to point out this ground of difference, and to leave it to the judgment of the House, in connection with the observations which they have already submitted in a former part of this report.

Another wish expressed by some of the petitioners, and some of the witnesses, is for the repeal of that clause in the last act, which allows the warehousing in the United Kingdom of foreign corn, when it cannot be taken out for home consumption.

The grounds upon which this alteration of the law is suggested, for the relief of the British grower, are two-fold. 1st. That the foreign corn absorbs the capitals of the dealers which would otherwise be employed in speculating in corn of British growth; and, secondly, that it enables them to hold, in the warehouses of this country, a large stock of foreign wheat, the notoriety of which de-

presses the markets, from the dread of its being poured in so soon as it is set free by the prices rising above 80s.

The first objection proceeds upon two assumptions, both of which appear to your Committee doubtful; 1st, that the capitals of the dealers are absorbed in this foreign speculation; and 2ndly, that, if not so employed, they would speculate with them in British corn. Your Committee conceive that there is no fixed amount of capital assigned to this trade, and that it is governed by the same principles which stimulate the application of capital in all other branches of foreign or domestic commerce. The value of all the foreign corn now in this country, which cannot be sold for home consumption till the price shall, for some weeks, have exceeded 80s. a quarter, is probably less than one million sterling. British corn, by the last return, was about 53s. per quarter. Can there be a doubt, if an impression prevailed generally, that it would rise to 79s. before the next harvest, that abundant capital would be found for speculation; and is not the want of it, at this moment, rather to be received as evidence of an apprehension, that in the event of another productive harvest, the present low prices would not be improved?

Upon the second objection, your Committee have only to remark, that it is unquestionably true, that the present accumulation of a great quantity of foreign corn, the surplus of the two or three last harvests on the continent, would have a considerable influence upon the prices here, in the event of the ports being opened in consequence of a deficient harvest. But the question is, whether that influence would not be nearly, if not altogether, the same under that contingency, if that accumulation were altogether at the shipping ports of Holland, or other parts of the continent, instead of being divided between them and the warehouses of this country? Should the prices here be fluctuating between 70s. and 80s. some small difference might perhaps be produced by the knowledge of the accumulation in our own warehouses, stimulating the British grower to bring his own corn to market, to keep down the price when it was approaching to the import rate, in order to shut out the foreign supply. But in this respect, accurate information must be to him an advantage. The time might also be a little varied at which a part of the foreign corn, upon the ports being opened, might find its way hither. But this difference would not be considerable, the ports of Flanders and Holland being as convenient for the Thames as most of our own ports from which corn is shipped for London.

Having stated the grounds upon which your Committee are of opinion that the expectations which have been entertained of advantage from the repeal of this clause, are not likely to be realized, they conceive that the views in which it was introduced of making this country a deposit of foreign grain, from which either our own occasional wants, or those of other nations, might be supplied, are, independent of other considerations, too much in unison with our general warehousing system, from which this country derives such important commercial advantages, to be abandoned, without further proof of their prejudical effects to our agriculture, than any which your Committee have been able to collect from the evidence.

It is material to observe, also, that the warehousing of foreign corn in this country, has this great advantage, that it places the supply of our wants, to the extent of the quantity warehoused, out of the reach of foreign states, putting it out of their power, in a season of scarcity, to aggravate the pressure of those wants, either by prohibiting the export of corn, or by imposing a heavy duty upon that export. The fact of upwards of 100,000 of quarters of wheat having been recently sent from the warehouses of this country to the Mediterranean, further shows that this facility of deposit is not a matter of indifference to the commerce and navigation of this country.

An impression prevails in many quarters, that large quantities of corn, imported since February 1819, have recently been introduced into home consumption. This could only have occurred by a fraudulent evasion of the law. Of the existence of this practice to a great extent, your Committee have received many intimations. They appear, however, to rest upon vague rumours, which the parties, when called upon, have not come forward, or not been able to substantiate, except in one instance, the particulars of which your Committee forbear to state, as it is understood that the persons concerned in the attempt, are now under prosecution. They will only observe, that the quantity stated to have been withdrawn was inconsiderable, and that it appears, to them if further security be requisite against the recurrence of this fraud, that regulations for that purpose may easily be devised and introduced into the bill, now before the House, for better ascertaining the averages.

Instead of expressing doubts with respect to the remedies which have been suggested by others, it would have been far more satisfactory to your Committee, to have been enabled to conclude their labours by pointing out some immediate measure of alleviation, which would have been efficacious at once to mitigate the distress, and to allay the alarm which prevail among the agricultural classes of the community.

If such an expedient could have been found, even in a temporary departure from any sound and recognized principle of general policy on this subject, or in any modification of the existing law which could now be attempted, they might have been disposed to

submit it to the favourable consideration of the House; but when, after a long and anxious inquiry, they have not been able to discover any means, which, in their estimation, are calculated immediately to remove the present pressure, they know too well their own duty to the House, and feel too much respect for the manly character of that class of the community, whose difficulties have been the object of their investigation, either to attempt to disguise the view which they have taken of the origin and nature of those difficulties, or to recommend that specific plan of relief pointed out by the suffering parties, which, however sanctioned by the arguments and prayer of their petitions, appears to be founded in delusion, and likely therefore to lead only to disappointment.

So far as the present depression in the markets of agricultural produce is the effect of abundance from our own growth, the inconvenience arises from a cause which no legislative provision can alleviate; so far as it is the result of the increased value of our money, it is one not peculiar to the farmer, but which has been and still is experienced by many other cla s of society. That result however is the severely felt by the tenant, in conseque. of its coincidence with an overstocked market, especially if he be farming with a borrowed capital and under the engagements of a lease; and it has hitherto been further aggravated by the comparative slowness with which prices generally, and particularly the price of labour, accommodate themselves to a change in the value of money.

From this circumstance, combined with other causes, the departure from our ancient standard, in proportion as it was prejudicial to all creditors of money and persons dependent on fixed incomes, was a benefit to the active capitals of the country; and it cannot be denied that the restoration of that standard has, in its turn, been proportionally disadvantageous to many individuals belonging to the productive classes of the community, and especially to those who had engaged in speculative adventures, either of farming or trade.

That restoration must also be accompanied with embarrassment to the landowner, in proportion as his estate is encumbered with mortgages or other fixed payments, assigned upon it during the period when land and rents were raised to an artificial value, in reference to the impaired value of the money in which those encumbrances were contracted.

From the cessation of public loans, the probability of large accumulations of capital, and the constant operation of such a sinking fund, as in the present state of our finances, may, henceforward during the continuance of peace, be regularly appropriated to the reduction of the public debt, your Committee trust that the rate of interest of money, may, in a short time, be so far reduced below the legal *maximum*, as to make those encumbrances a lighter burden upon the landed interests of the kingdom. It is an alleviation which former intervals of peace have produced, at periods in many respects less favourable to its attainment; and if, in the present instance, the want of that alleviation is become more urgent, your Committee venture to hope that, from the greater accumulation of capital in the country, co-operating with the effects of a positive and steady reduction of the public debt, this salutary result will also be more speedily brought about. They look forward to this mode of easing the encumbrances of the landlord with the more anxiety, as, amidst all the injury and injustice which an unsettled currency,—an evil they trust never again to be incurred,—has in succession cast upon the different ranks of society, the share of that evil which has now fallen upon the landed interest, is the only one which, without inflicting greater injury and greater injustice, admits (now that we are so far advanced in the system of a restored currency) of no other relief. The difficulties, great as they unfortunately are, in which it has involved the farming, the manufacturing and trading interests of the country, must diminish in proportion as contracts, prices, and labour adjust themselves to the present value of money. That this change is now in progress, and has already taken place to a considerable degree, is in evidence before your Committee. They are satisfied that it will continue until that balance is restored, which will afford to labour its due remuneration, and to capital its fair return. And, although they deeply lament the derangement which the fluctuations of the last ten years, in the value of the currency, have occasioned in all the transactions of life, together with the individual loss and suffering unavoidably produced by the return to a fixed standard, they are satisfied that this was the only course which it was in the power of parliament to adopt,—as well to prevent the continuance of a derangement, leading, as it must have led, to the aggravation of those losses and sufferings, as to manifest to the world the inflexible determination of this country, rigidly to adhere to that good faith on which the moral character of the people is the sure guardian, and which, with that character, has placed our greatness and our power upon the foundation, hitherto unshaken amidst all our vicissitudes, of public credit and national honour.

18 *June* 1821.

REFORM OF PARLIAMENT.—*Copy of Mr. Lambton's proposed Bill "For effecting a Reform in the Representation of the People in Parliament."* [*See p.* 375.]

A Bill for effecting a Reform in the Representation of the People in Parliament.

Preamble.

Whereas many boroughs and towns in England and Wales which now send burgesses to parliament have fallen greatly into decay, and contain but few voters to return such members to parliament: And whereas many other towns and places of great wealth population and consequence do not return burgesses to serve in parliament: And whereas many persons inhabitants and householders in various parts of England and Wales have no right to vote at and have no voice in the election of any members to serve in parliament, and yet are liable to all payments rates and taxes granted by parliament equally with persons voting in the election of members to serve in parliament, and are therefore equally interested and concerned with them to be truly and faithfully represented in parliament; by means whereof the representation of the people of England and Wales in the Commons House of Parliament has become and is greatly defective: And whereas it is just and equitable that that which affects all should be imposed only by the common assent of all, and that none should be taxed but by their representatives duly and fairly chosen and returned by themselves: For remedy whereof therefore, and for the promoting and maintaining the prosperity of the crown and the satisfaction and contentment of the people,

Boroughs returning members at present not to return after the present parliament, except the two Universities.

BE it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, That from and after the termination of this present parliament, the several cities towns boroughs cinque ports and other places within England and Wales, which have heretofore been accustomed to return citizens burgesses and barons to serve in parliament, save only the two Universities of Oxford and Cambridge, shall from thenceforth cease to return such citizens burgesses and barons as aforesaid to serve in parliament as heretofore.

England and Wales divided into districts for the purpose of returning members to parliament.

And for the providing more fully and equally for the due representation of the people of England and Wales in the Commons House of Parliament, Be it further enacted, That the several counties cities boroughs towns and other places throughout England and Wales, shall, for the returning of members to parliament and for the purposes of this act, be divided into the several districts of boroughs contained in the schedule to this act annexed marked (A); and that from and after the termination of this present parliament each of the said several districts shall in all future parliaments to be holden in and for the United Kingdom of Great Britain and Ireland return such one or more member or members to represent such districts respectively in parliament as are set and placed against such districts respectively in the said schedule hereunto annexed marked (A) to be elected and returned in manner hereinafter provided.

When the town at which the election is directed to be held, is in the jurisdiction of any sheriff, all places in that district to be held to be within his jurisdiction for the purposes of this act.

And whereas certain parts of some such districts are situated in separate and distinct shires counties or jurisdictions, Be it therefore further enacted, That for the purposes of this act every parish village hamlet or other place whatsoever forming part of any such district shall be taken and held for all the purposes of this act to be in the same shire county and jurisdiction wherein the place whereat the election for such district is hereby directed to be held as hereinafter provided shall be situated, and shall from and after the issuing of the writ for holding any such election as hereinafter provided be taken to be subject in all respects, for the purposes of such election and for the preservation of the peace during the continuance of the same, to the authority control and jurisdiction of the sheriff or sheriffs and all magistrates of that shire or county wherein such place appointed for holding such election as hereinafter provided shall be situate, and to the jurisdiction of the returning officer of such district, in like manner as if such parish township village hamlet and other place forming part of such district had been actually situate in the same shire county and jurisdiction and subject to the same control and jurisdiction as such place appointed for holding such election.

Writs to be issued by lord-chancellor on new parliaments.

And be it further enacted, That when any new parliament shall at any time hereafter be summoned or called, that in lieu of the writs heretofore issued by the lord-high-chancellor of Great Britain for the election and return of citizens burgesses and ... for cities boroughs towns cinque ports

and other places other than the several shires of England and Wales and the said two Universities of Oxford and Cambridge, the said lord-high-chancellor shall issue writs made and sealed under the great seal of Great Britain in like manner as writs have heretofore been accustomed to be issued for the election and return of such citizens burgesses and barons as aforesaid, which said writs shall be directed to the sheriff or sheriffs of each and every county of Great Britain and Wales; whereby the said sheriffs respectively shall be commanded to cause to be elected freely and indifferently such member or members for each and every district within the county bailiwick or jurisdiction of such sheriff or sheriffs respectively as are in this act directed and required to be elected and returned, and such sheriffs respectively shall be thereby required to return the same in like manner as such sheriffs or other persons, to whom such writs for the election of citizens burgesses and barons, as aforesaid have heretofore been directed, have been required to return such citizens burgesses and barons, and such writs shall be forwarded conveyed delivered and transmitted to and received and dealt with by such sheriffs respectively in like manner as writs for the election of members to serve in parliament are now required to be forwarded conveyed delivered and transmitted received and dealt with under and by virtue of the several acts made and now in force concerning the delivery and conveyance of writs for the election of members to serve in parliament.

On a vacancy speaker to issue his warrant.

And be it further enacted, That during the sitting of any parliament which shall be held after the termination of this present parliament, when any vacancy shall occur in the representation of any such district or districts throughout England and Wales as aforesaid by the death or other removal of any member or members having represented such district or otherwise, such writ or writs as aforesaid shall be issued for supplying the vacancy or vacancies thereby occasioned, directed to the sheriff or sheriffs of the county or counties respectively wherein such district or districts shall be situated respectively, in like manner as writs for the choosing and returning citizens burgesses and barons are now issued during the sitting of the high court of parliament, according to the ancient jurisdiction and authority of the Commons House of Parliament in that behalf accustomed and used, and the several acts made and now in force respecting the issuing of the same.

Who shall be returning officers.

Magistrates to be elected by overseers and churchwardens as returning officers.

And be it further enacted, That for the providing of fit and competent persons to be returning officers in the said several districts respectively, the churchwardens chapelwardens and overseers of the poor of each and every parish township chapelry hamlet or other division in each and every of the said several districts shall on the fourth Monday next after Easter day, or in default thereof so soon after as they shall be required by public notice in writing signed by any two inhabitant householders of such district, or by any one magistrate having jurisdiction in such district, and published in some newspaper usually circulating in such district, in each and every year, after the passing of this act, meet in the vestry-room or other most usual place of holding vestries within the principal town village parish township chapelry hamlet or other division of such district whereat the election for such district is hereby directed to be holden as hereinafter provided, and after electing a chairman of such meeting, who shall have the casting vote in such meeting, on all questions put to the vote at such meeting where there shall be an equality of votes on such questions, but who shall not otherwise vote thereon, shall proceed to elect by a majority of voices of those present at such meeting some one acting magistrate within such district or within some borough town or other separate jurisdiction within such district, if any such there shall be, and if not then some acting magistrate within the borough town hundred riding county or other division wherein such district shall be situate, such magistrate not being a peer of the realm or clerk in holy orders, to become and act as returning officer for such district for which he shall be so chosen as aforesaid, for the year commencing from the first day of June next after such day of election, and until some other person shall be duly chosen in his stead as such returning officer, and such magistrate shall be and become, when so chosen and elected as aforesaid, the returning officer of such district for the year commencing from such first day of June next after such day of election and until some other person shall be duly chosen in his stead as such returning officer, and shall after notice of such election by the chairman of such meeting, which notice such chairman is hereby required to give in writing to such magistrate and also to the sheriff or sheriffs of the county wherein such district shall be situate within twenty days next after such election, be bound to perform and execute all the duties of such returning officer, and to preside at all elections of a member or members to serve in parliament within the district for which he shall be chosen such returning officer as aforesaid, during the time that he shall be and continue such returning officer, and shall execute all such duties in like manner and shall take the like oaths and be subject to the like pains penalties rules laws regulations directions immunities and disqualifications as the returning officers of any borough town cinque port or other place now sending members to parliament, excepting as is herein otherwise particularly provided and enacted: Provided always, that no such

magistrate shall be eligible to be or shall be elected as such returning officer for two successive years, or shall be bound to accept the office or to perform the duties of such returning officer for the same district within three years from the time of such magistrate's having been the returning officer of such district.

And be it further enacted, That it shall and may be lawful for any such magistrate who shall be chosen and elected the returning officer of any such district to nominate and appoint some fit and proper person or persons as his deputy or deputies, and to name and appoint some place or office within such district, giving notice thereof to the sheriff or sheriffs of the county wherein such district shall be situate, where the duties of such returning officer shall and may be performed; and any person or persons accepting such nomination and appointment shall be bound to perform and execute all the duties of such returning officer (excepting the duty of presiding at elections in such district, which every returning officer shall be bound to perform in person excepting in the case of serious illness or some urgent and sudden necessity, in which case such deputy or deputies may act in his behalf in like manner as any returning officer would be likewise bound to perform the same; and all notices precepts and other proceedings served at such place shall be held to be good to all intents and purposes, and binding on such returning officer as if the same had been served at the dwelling-house of such returning officer, any thing herein contained to the contrary notwithstanding; and any returning officer or deputy returning officer and each of them who shall refuse or neglect to perform his duty as such returning officer or deputy returning officer, when duly required so to do, shall forfeit £ with treble costs, for each and every such instance of refusal or neglect, to any person suing for the same in any of the courts at Westminster.

Returning officer giving notice to sheriffs may appoint a deputy, and office where duties of returning officer shall be executed.

And for the purpose of guarding against corrupt and partial conduct of returning officers at elections of members to serve in parliament for such districts, Be it further enacted, That every returning officer or deputy returning officer who shall be by due course of law convicted of having acted corruptly or partially in the execution of his duty of returning officer or deputy returning officer of any such district, at any election of member to serve in parliament for such district, shall be adjudged guilty of a high misdemeanor, and be imprisoned for such time, not exceeding three years nor less than one year, as to the court, before whom such returning officer shall be tried, shall seem fit and meet; and such person so convicted shall from thenceforth be incapable of acting as a magistrate or of holding any office under the Crown.

Returning officer acting corruptly to be imprisoned, and rendered incapable of acting as a magistrate or holding any office under the Crown.

And whereas it may happen that in some instances magistrates may be chosen returning officers for districts for which such magistrates may have an idea of offering themselves as candidates for the representation thereof: and whereas such magistrates would be disqualified by the existing laws as such returning officers from representing the district for which they were respectively such returning officers, and might therefore be prevented from offering themselves as such candidates; Be it therefore further enacted, That if any magistrate shall be chosen or elected returning officer of any district for which he may intend to offer himself as a candidate to represent such district in parliament, it shall and may be lawful for any such magistrate, on giving notice to the sheriff or sheriffs of the county wherein such district shall be situate, and paying a fine of 200*l.* to such sheriff or sheriffs for the use of the poor of the several parishes hamlets villages chapelries townships or other divisions within the district whereof he shall be so chosen or elected such returning officer, and to be paid by such sheriff or sheriffs to the respective overseers of the poor thereof, to decline to act as such returning officer on such election; and every such sheriff or sheriffs on the receipt of such notice, and also when and as often as any vacancy shall occur in the office of returning officer in any district within the bailiwick or jurisdiction of such sheriff or sheriffs by reason of the death of such returning officer, or by any such returning officer becoming a peer of the realm, or a clerk in orders or otherwise, shall forthwith cause good and sufficient notices thereof to be given to the respective churchwardens chapelwardens and overseers of the poor of the several parishes hamlets villages chapelries townships and other divisions within such district, commanding them to meet at some time to be mentioned in such notices, and at the usual place of such meeting, to be also mentioned in such notices, for the purpose of electing some other such magistrate as and for the returning officer of such district, and such churchwardens chapelwardens and overseers of the poor shall accordingly meet in pursuance of such notices and shall proceed to the election of some other such magistrate as and for such returning officer in like manner as is hereby prescribed and directed for the annual election of such returning officers; and any such magistrate so elected at such meeting shall serve as such returning officer for the current year of such election, and until some other person shall be duly chosen as hereinbefore provided as such returning officer.

Magistrates may decline, and pay 200*l.* fine to the poor.

And be it further enacted, That from and

Sheriff to issue precept to elect Monday next, after two clear days notice.

after the termination of this present parliament the sheriff or sheriffs of each and every county throughout England and Wales shall forthwith, on the receipt of any such writ or writs as aforesaid for the election and return of any member or members for any district or districts within his or their bailiwick or jurisdiction, make out, and within three days from the time of the receipt of the said writ deliver, his or their precept or precepts under his or their seal or seals to the returning officer of each and every district within the bailiwick of such sheriff or sheriffs for which such member or members shall be directed to be elected or returned, reciting the said writ and commanding such returning officer to proceed to such election and to make his election of the member or members who shall be chosen for such district, to such sheriff or sheriffs according to due course of law; and every such returning officer upon the back of the same precept shall indorse the day of his receipt thereof in the presence of the party of whom he received such precept, and shall within thirty-six hours then next following cause public notice to be given of the time and place of election, and shall proceed to election thereupon on the Monday next after two clear days, whereof Sunday may be one, from the time of giving such notice.

Public notices to be affixed on all churches and market places.

And be it further enacted, That besides the public notice to be given as aforesaid, it shall be the duty of every returning officer of every district, and they are hereby required respectively as soon after the receipt of such precept respectively is received as convenient may be, and not later in any case than by twelve o'clock at noon on the Saturday next preceding the day of election, to cause public notices in writing to be affixed in some conspicuous part on the principal door of every church or chapel, and also on the market place, or if none, then on some other most conspicuous place within every parish township chapelry hamlet or other place within the district whereof they shall be such returning officers respectively, stating the time and place of holding such election, and the places, if more than at the place of holding such election as hereinafter provided, where any votes within such district may be tendered and recorded, and shall for that purpose use the several forms contained in the schedule hereunto annexed marked (B) as the same may be applicable to such purpose.

Right of voting.

And be it further enacted, That from and after the termination of this present parliament the right of election of a member or members to serve in parliament for such several districts in England and Wales as aforesaid respectively, shall be and is hereby declared to be in the inhabitant householders within such districts respectively who shall have been *bona fide rated* to the church or poor within such district respectively, or shall have been assessed towards and shall have paid any direct public taxes within such districts respectively for six calendar months previous to the first day of election, not having for such time received alms or charity in the way of parochial relief, and in none others, except as is hereinafter particularly provided; and that from thenceforth it shall and may be lawful to and for every such inhabitant householder within any such district as aforesaid, who shall at any election for a member or members to serve in parliament for such district be of the age of twenty-one years, to vote for such member or members at such election; provided nevertheless, that no person or persons shall be entitled to vote at such election who would be disqualified from voting at elections of members to serve in parliament according to the laws now in force respecting the disqualification of any person or persons to vote in the election of any members to serve at this present time in parliament, except persons professing the roman catholic religion, who are hereby declared to be entitled to vote at such elections; and the returning officer for the time being of every such district as aforesaid to whom the return of every writ or precept for the election of any member or members to serve in parliament for any such district shall belong, shall return to the sheriff or sheriffs of the county wherein such district shall be situate the person or persons to serve in parliament for such district who shall have the major number of such votes within such district, not being disqualified from voting as aforesaid.

Oaths to be taken.

And be it further enacted, That every person or persons before he or they is or are admitted to poll at any such election as aforesaid, shall, if duly required so to do, take and subscribe all the several oaths and make all the several affirmations and declarations directed by the laws now in force to be taken and subscribed and made by persons voting in the election of burgesses to serve in parliament at this present time, as far as the same may be applicable to such person or persons respectively, excepting only the oath generally called the oath of supremacy, and the declaration generally called the declaration of test, and such oaths and declarations as relate to the roman catholic religion; and every inhabitant householder before he is admitted to poll at any such election shall, in addition thereto, if required by any candidate at such election or any person having a right to vote at such election, first take the oath, or, being a quaker, the solemn affirmation following; that is to say,

"I, *A. B.* (*signifying his trade or profession*) do swear (*or*, solemnly affirm) "that I am an inhabitant householder of

"this district, and that the place of my
"abode is at in the parish
"(*or* hamlet, &c. *as the case may be*)
"of (*stating his place of residence*) in this district, and that I have
"for the space of six months immediately previous to this election, to the
"best of my knowledge and belief, been
"rated to the relief of the poor of the
"said parish (*or*, hamlet, &c.) of
"in this district, or have been assessed
"towards and have paid direct public
"taxes within the said parish (*or* hamlet,
"&c.) and that I am twenty-one years of
"age to the best of my knowledge and be-
"lief and have not before been polled at
"this election for this district."

Which oath or solemn affirmation the returning officer of such election, or his deputy or any poll clerk, or person taking the poll, shall be and are hereby authorized and empowered and required to administer.

Persons now entitled to vote for any Borough &c. to be entitled to vote for life.

Provided always, and be it further enacted, That any person or persons who may now have, or who shall before the termination of this present parliament acquire, a perfect right to vote in the election of any citizen burgess or baron to serve in parliament for any city borough town cinque port or other place now sending members to parliament, shall after the termination of this present parliament be entitled to vote in respect of such right of voting now had or before the termination of this present parliament acquired, and so long as such right shall continue vested in such person or persons, in the election of a member or members to serve in parliament for the district or districts if more than one, wherein such city borough town cinque port or other place shall be situate, although such person or persons shall not be an inhabitant householder or inhabitants householders qualified to vote at such election or elections; any thing herein contained to the contrary notwithstanding: And such person or persons, before he or they is or are admitted to poll at any such election, shall, if required by any candidate or any person having a right to vote at such election, first take the oath, or being a quaker, make the solemn affirmation following; that is to say,

Oath to be taken.

"I, *A. B.* (*mentioning his trade or profession*) do swear (*or* solemnly affirm) that
"I reside at (*mentioning his place of residence*) and that I had on the
"day of (*mentioning the day on which this present parliament shall terminate*) a perfect right to vote in the
"election of burgesses *or*, citizens &c.
"to serve in parliament for the borough
"(*or*, town, &c. *as the case may be*) of
" (*stating the* borough *or* town)
"as a (*stating the right of voting*) and
"that such right still remains vested in
"me to the best of my knowledge and
"belief; and that I have not before
"been polled at this election for this
"district."

Place of election and duration of poll.

And be it further enacted, That the election for each and every of the said districts shall be had and held at such place and places within the said districts respectively as are put and placed opposite to the said several districts respectively in the said schedule hereto annexed marked (A) and named in the said schedule as the place of holding such elections respectively, and in no other place or places except in the case of any extraordinary and urgent necessity; and such elections shall respectively commence before the hour of twelve o'clock at noon on the first day of such elections respectively, and shall be proceeded in and conducted in all respects as elections for any burgess or burgesses for any borough or other place are now by law directed to be proceeded in and conducted, except as herein is particularly otherwise provided and enacted: Provided nevertheless, that when any poll shall be demanded at any such election, such poll shall commence on the day on which it shall be demanded, or on the next day at farthest, and shall be duly and regularly proceeded in from day to day, and shall be kept open for eight hours at the least in each day, except the day of demanding the same, between the hours of seven in the morning and eight in the evening, till the same be finished, but so that no election shall continue more than six days at most, including the first day, and so that every poll shall be finally closed at or before the hour of three in the afternoon of the Saturday next after the first commencement of the said election; and the returning officer of every such election shall immediately or as soon as conveniently may be, and within one hour after the final close of the poll if kept open till the sixth day, truly fairly and publicly declare the name or names of the person or persons, who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, unless such returning officer, upon scrutiny being demanded by any candidate or any two or more electors, shall deem it necessary to grant the same, in which case the same shall be proceeded in according to the laws now in force relating to the election of members to serve in parliament at this present time.

Proper places to be provided for polling in.

And be it further enacted, that at every such election the returning officer shall appoint make hire or erect, or cause to be appointed made hired or erected, such numbers of convenient booths or polling places separate and distinct from each other, not being fewer in districts where one member shall be directed to be returned than four, and in districts where two mem-

bers shall be directed to be returned not being fewer than eight, as shall seem to him necessary and convenient, with good and free separate access thereto respectively, for taking the poll without tumult or confusion, which said booths or polling places shall be used respectively for taking the poll according to the alphabetical order of the names of the voters; and such returning officer shall affix or cause to be affixed on the most public part on the outside of each of the said booths or polling places the letter or letters for which such booth or polling place shall be allotted or designed, and a sufficient notification of the intent thereof, and all voters shall tender and give their votes only at such booth or polling place as shall be allotted or designed for the letter wherewith the surname of such voter respectively shall commence, excepting in the case hereinafter provided for: and such returning officer shall appoint or cause to be appointed a proper clerk or clerks at each of the said booths or polling places to take the poll which said clerk or clerks shall be paid such reasonable sum not exceeding one guinea per day each clerk as shall appear fit and proper to such returning officer; and the said returning officer shall also give notice in writing before the commencement of the poll, to each and every of the candidates or their agents at such election, of the situation of all booths or polling places so appointed made hired or erected, and immediately on the increase of any such booths and polling places, of such additional booths and polling places; and of the letters to which each of such booths or polling places, is allotted or designed.

And be it further enacted, that the churchwardens chapelwardens and overseers of the poor respectively of every parish hamlet chapelry township or other division having separate church or chapelwardens or separate overseers of the poor within any such district, shall respectively, and they are hereby required within one fortnight next after the publication of any and all poor or church or chapel rate or rates for such parish hamlet chapelry or township, to make out and deliver at the dwelling house of the returning officer or at the office appointed for executing the duties of returning officer of such district, an alphabetical list or lists, containing in alphabetical arrangement the surname of every person rated in such rate or rates to the church or poor respectively within such parish hamlet chapelry township or other division, together with the Christian name if known and the place of abode of every such person within such parish hamlet chapelry or township; and every collector of assessed taxes collecting any such taxes within any part of such district shall within one fortnight next after the receipt of any warrant to collect such taxes, make out and deliver at the dwelling house of such returning officer or at such office as aforesaid, an alphabetical list or lists containing in alphabetical arrangement the surname of every person from whom such collector shall be directed, in and by such warrant, to collect or levy any such taxes within any part of such district, together with the Christian name if known and the place of abode of every such person within such district; and every returning officer of such district shall upon any election to be held for such district deliver or cause to be delivered copies, to each and every poll clerk appointed by such returning officer of such district, of such part of such alphabetical lists respectively as shall contain the names of persons whose names commence with any letters for which the booth or polling place for which such poll clerk to whom the same shall be delivered shall be appointed shall be allotted or designed; and in case of any dispute as to any vote at any such election, the poll clerk to whom any vote shall be tendered at such election, shall, if required by any candidate or agent or by any elector, refer to such list, and if the name of the person tendering such vote shall not appear in such copy or copies of such lists or any of them, then such vote so tendered shall not be received by such poll clerk without a written or other authority, as hereinafter provided, from the returning officer at such election, after investigating such vote, to receive the same: provided always, that nothing herein contained shall be construed to give power to any poll clerk or poll clerks to decide on any objection taken to any vote, other than the name of the voter tendering such vote not being contained in any such list or lists.

Overseers to make and send lists of persons rated.

And for the purpose of lessening the expense of elections, and for the greater convenience of voters, be it further enacted, That in any district consisting of more than one parish hamlet chapelry township or other division for which there shall be separate overseers of the poor, and wherein any part of such district shall be more than five miles distant by the direct and nearest horse or carriage road from the place at which the election shall be directed to be held, it shall be lawful for any person or persons having a right to vote at any election of a member or members to serve in parliament for such district and residing above five miles from the place of such election, to tender his and their vote and votes for such district, if he or they shall be willing so to do, to the overseers of the poor of such parish hamlet chapelry township or other division within such district wherein he or they shall be a householder or householders, or to some one or more of such overseers or to their sufficient deputy appointed for that purpose, as hereinafter provided, at such time and place as shall be appointed for receiving such votes,

In districts consisting of more than one parish where voters reside more than five miles from place of election, votes may be tendered to overseers of the parish where voters are resident.

as hereinafter provided; and all votes so tendered shall be received and recorded by the overseer or overseers or their sufficient deputy to whom the same shall be tendered in manner hereinafter provided, and shall be as good and valid for the candidate or person for whom the same shall be tendered, to all intents and purposes, as if such votes had been tendered and received at the poll taken at the principal place of holding such election: provided nevertheless, that nothing herein contained shall be construed to prevent any person or persons having a right to vote at such election from voting at the principal place of holding such election, if he or they shall think proper so to do in preference to voting at such parish hamlet chapelry township or other division poll.

Returning officers to give notice to the overseers to attend to take votes in some place appointed by the returning officer.

And be it further enacted, That when the returning officer of any district consisting of more than one parish hamlet chapelry township or other division for which there shall be separate overseers of the poor, and wherein any part of such district shall be more than five miles distant by the direct and nearest horse and carriage road from the place at which the election shall be directed to be held, shall receive any such precept as aforesaid requiring such returning officer to proceed to the election of a member or members to serve in parliament for such district, such returning officer shall within forty-eight hours next following the receipt of such precept give notice in writing of such precept to the overseers of the poor, or any two of them, of each and every parish hamlet chapelry township or other division within such district having such separate overseers, whereof any part shall be more than such five miles distant from the place at which such election shall be directed to be held, and shall require the overseers of each and every such parish hamlet chapelry township or other division respectively to meet on the Tuesday next after the first day of election appointed for such district by nine o'clock in the morning, in the vestry-room or other more convenient place to be named by such returning officer, in each and every such parish hamlet chapelry township or other division respectively, there to receive by themselves or their sufficient deputy the vote or votes of any person or persons having a right to vote at such election, residing in such parish hamlet chapelry township or other division respectively above five miles from the place of election for such district, who shall be desirous of tendering his or their vote or votes to be there received for such election; and the several overseers of each and every such parish hamlet chapelry township or other division, or some one or more from each and every such parish hamlet chapelry township or other division, in pursuance of such notices (under the penalty of to be paid by each and every of them who shall make default therein, to be paid to the poor of such parish hamlet chapelry township or other division in case one or more of such overseers respectively shall not attend accordingly), shall attend at the time and places respectively appointed in and by such notices, and shall then and there by themselves or some one or more of them, or by their sufficient deputy which they or those of them attending respectively are empowered to appoint, and open a poll for such parish hamlet chapelry township or other division for the reception of all such votes so to be tendered as aforesaid; which said poll shall be kept open for the purpose aforesaid for the space of five hours at the least from the hour of nine o'clock in the morning for three days then next following, exclusive of the first day of such poll, provided the poll at the principal place of election for such district shall be so long kept open and not longer, and if such poll at the principal place of election shall be closed, or if all the persons entitled to vote at such election and residing in any such parish hamlet chapelry township or other division above five miles from the place of election for such district shall have been polled before the end of such three days, then the poll so taken before such overseers or their deputies respectively shall be closed as soon as the person taking any such poll shall receive sufficient notice or information of the closing of such principal poll, or that all such persons have been polled; and such overseers respectively or their deputy taking any such poll as aforesaid shall on the daily close of such poll and immediately after the close thereof transmit the amount of the number of votes tendered to and received by such persons respectively in the course of such days poll for each and every candidate at such election, and at the final close of such poll shall transmit the original poll so taken for such parish hamlet chapelry township or other division, with the account of the numbers thereof, to the returning officer of the district wherein such parish hamlet chapelry township or other division shall be situate, by some messenger or messengers specially appointed by such overseers respectively for such purpose, who shall with all possible expedition convey the same; and if any person or persons shall molest obstruct or assault such messenger or messengers in the due execution of his or their duty in conveying such parish hamlet chapelry township or other division poll, or the account thereof as aforesaid, such person or persons being thereof lawfully convicted shall be liable to be imprisoned for any time not less than months, as the court, before whom such person or persons shall be convicted shall think proper; and every returning officer, on the receipt of the account and amount of any such parish hamlet chapelry township and other division poll, shall accordingly add such num-

bers as shall have voted at such parish hamlet chapelry township or other division poll for any candidate or candidates at such election to the numbers appearing on the principal poll taken at the place of such election for such candidate or candidates respectively.

Overseers or their deputy shall have same power as returning officers.

And be it further enacted, that any overseer or overseers, or their deputy, before whom any such parish hamlet chapelry township or other division poll as aforesaid shall be taken, shall have all the same powers and authorities in taking such poll as shall by law appertain to, and shall take and have power to administer the same oaths as by law are and shall be directed to be taken and administered by any returning officer of any such district as aforesaid; save and except that if any dispute shall arise as to the validity of any vote tendered to any overseer or overseers or their deputy, objected to by any candidate or candidates at any such election, or by his or their agent or agents, or by any two or more persons having right to vote at such election, on any objection stated in writing by the person or persons so objecting, such overseer or overseers or deputy shall not receive or record such vote, but the question of the admissibility of such vote shall be referred to the returning officer of such district to whom the same may be again tendered at the place of holding such election, and who shall decide in some convenient place (to be appointed by him for that purpose on or before the first day of election) all disputes whether arising at the principal place of election or at any parish hamlet chapelry township or other division poll relating to votes tendered at such election; and if on investigating any such disputes such returning officer shall be of opinion that any such votes so objected to ought to be received, then such returning officer shall give a written authority to the proper poll clerk for receiving such vote, or shall personally direct such proper poll clerk to receive the same; upon which no further objection shall be made to such vote, but the same shall be immediately received.

For remunerating overseers' deputy, and messenger.

And be it further enacted, that for the remuneration of any deputy and of any messenger or messengers to be appointed by any such overseers to take such parish hamlet chapelry township or other division poll and to convey such poll and account, there shall be paid by such overseers respectively to every such deputy the sum of half a guinea for each and every day such parish hamlet chapelry township or other division poll shall be kept open, and to the messenger or messengers such sum or sums of money as shall appear to such overseers a reasonable and fair remuneration to such messenger or messengers for their trouble and the expenses attending the conveyance of such poll and accounts; which several sums of money shall be paid by such overseers or any of them out of and charged upon the poor-rates of such parish hamlet chapelry township or other division and included in the accounts of such overseers respectively.

Remuneration to deputy returning officers.

And whereas it would be necessary to make some provision for the remuneration of the deputies of returning officers; but it would be desirable that such remuneration should be limited to such reasonable and proper amount as would not exceed a fair and adequate remuneration, for the trouble attendant on the situation of any such deputy returning officer; be it therefore further enacted, that there shall and may be paid to the deputy of any returning officer of any such district such sum and sums of money, for the several acts and things provided and directed to be done by such deputy returning officer by this act for and towards the holding and conducting of any such election, as the court of quarter sessions for the county wherein any such district shall be situate shall direct and appoint, upon a table of fees to be presented to such court of quarter sessions by the clerk of the peace for such county at the midsummer quarter sessions for such county in each and every year: Provided nevertheless, that nothing herein contained shall be construed to permit any such court of quarter sessions to grant any fee or remuneration whatsoever to any magistrate being such returning officer as aforesaid, but every such magistrate shall perform the duties of such office without any fee reward or remuneration whatsoever.

How expenses to be defrayed.

And whereas it is just and right that those who have the benefit of an election should pay the expenses attendant thereon; be it therefore further enacted, that all the expenses of any election, as well the reasonable and necessary expenses incurred in providing or erecting polling places and procuring and paying poll clerks and other persons employed therein, as any other expenses authorized by this act and necessarily attendant on such election, shall be borne and paid out of the poors rates of the several parishes hamlets villages chapelries townships and other divisions in the district for which such election shall be held, and shall be paid by the overseers of such parishes hamlets villages chapelries townships and other divisions out of the poors rates of the same to the returning officer or his deputy, in such fair and rateable proportions in proportion to the amount of the poors rates of such parishes hamlets villages chapelries townships and other divisions respectively on a rack rent, as near as the same can be ascertained, as such returning officer and any other magistrate of the county wherein such district shall be situate, by warrant under their own proper hands and seals directed to the overseers of such

parishes hamlets villages chapelries townships and other divisions respectively, shall direct and appoint.

And whereas it would be desirable to reduce as far as possible the expense of county elections; be it therefore further enacted, for the more easy taking of the poll and preventing confusion at county elections, that from and after the termination of this present parliament, at every election of a knight or knights of the shire to serve in parliament for any county within England or Wales, the sheriff or sheriffs of such county, or in his or their absence the under-sheriff or such as he shall depute, shall and he and they are hereby required, without request by any candidate, on the taking of any poll on such election to make erect or hire and appoint or cause to be made erected or hired and appointed at the principal place of holding such election, such number of booths or polling places separate and distinct from each other, and not being in any case fewer than the number of hundreds rapes lathes wapentakes wards or other divisions in such county, but more if they shall be required, as shall seem to him necessary and convenient, with good and free access thereto respectively for taking such poll without tumult or confusion; and shall appoint a proper clerk or clerks at each of the said booths or polling places to take the poll, who shall be paid not exceeding one guinea per day each clerk; and which said booths or polling places and clerks may be increased if necessary during such election, and whch said booths and polling places shall be used respectively in like manner; and lists for each of such booths or polling places shall be made out and copies thereof delivered in like manner as is now directed for booths or polling places erected for taking the poll in county elections under and by virtue of the laws now in force.

Sheriff to appoint more than one booth if necessary in each hundred.

And be it further enacted, that no poll taken for any county for the election of a knight or knights of the shire shall after the termination of this present parliament be kept open longer than ten days exclusive of the first day of such election, and if it shall continue open to the tenth day then such poll shall be finally closed at or before three o'clock on such tenth day in like manner as such polls are now required by law to be closed on the fifteenth day of such polls.

Poll to be open in counties only ten days.

And be it further enacted, that from and after the termination of this present parliament every freeholder who shall have any freehold estate in any lands tenements or hereditaments of the clear yearly value of forty shillings over and above all rents and charges payable out of or in respect of the same, lying within any city borough town or other place in England or Wales which is a county of itself, shall be entitled to vote at all elections for knights of the shire to serve in parliament for the county at large within which such city borough town or other place which is a county of itself shall be situate; and such freeholders before they are admitted to poll shall if required take the like oaths as other freeholders for counties are now by law required to take.

Freeholders of forty shillings in towns which are counties to vote for county members.

And be it further enacted, that from and after the termination of this present parliament, every person who shall hold any lands or tenements of the clear yearly value of forty shillings over and above all rents and charges payable out of or in respect of the same under or by virtue of any lease or leases, or for any term of years, which lease or leases shall be renewable from time to time for ever at the will of the lessee, and every person who shall hold any lands or tenements of the clear yearly value of forty shillings over and above all rents and charges payable out of the same under and by virtue of any lease or leases for any term of years whereof not less than twenty-one shall be to come and unexpired at the time of such person tendering his vote, shall be entitled to vote for the knights of the shire of that county within which lands or hereditaments are respectively situated; and every such person before he is admitted to poll shall, if required by the candidates or any of them, or any other person having a right to vote at the said election, first take the oath (or, being one of the persons called quakers, the solemn affirmation) following; videlicet,

Leaseholders to vote in Counties.

"You shall swear, (*or, being one of the people called quakers, shall* solemnly "affirm) that you are a leaseholder in the "county of , and have a lease"hold estate for a term of years renewa"ble for ever at the will of the lessee, or "whereof 21 years are yet to come and "unexpired, consisting of (*stating the de*"*scription of the premises*), and that you "have been in the actual possession or "receipt of the rents or profits thereof "for your own use above twelve calendar "months, or that the same came to you "by descent, marriage, marriage settle"ment, *or* devise, and that such lease"hold estate has not been granted as"signed or made to you fraudulently, on "purpose to qualify you to give your "vote, and that the place of your abode "is at in "and that you are twenty-one years of "age, as you believe, and that you have "not been polled before at this election."

And be it further enacted, that from and after the termination of this present parliament, every person who shall hold any lands tenements or hereditaments by copy of court roll of the clear yearly value of forty shillings

Copy holders to vote in counties.

over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote at any election for the knights of the shire to serve in parliament for the county within which such lands tenements or hereditaments are respectively situated, and shall take the like oaths and affirmations with freeholders voting at such elections, excepting that the words copyholder and copyhold shall be used respectively by such copyholders, in lieu of the words freeholder and freehold in such oaths or affirmations.

In counties votes may be tendered to the high constables of hundreds and &c. or their deputies at such place as shall be appointed; but any person who prefers it, to be entitled to vote at the principal place of election.

And for the purpose of lessening the expense of electors of knights of the shire for the several counties of England and Wales, and for the greater convenience of voters, be it further enacted, That it shall and may be lawful for any person having a right to vote at any election of a knight of the shire or knights of the shire to serve in parliament for any counties in England or Wales, to tender his vote, if he shall be willing so to do, to the high constable or constables or other principal peace, officer for the time being of the hundred half hundred rape lathe wapentake ward or other division within such county wherein the property in respect of which such person shall be entitled to vote shall be situate, or to his or their sufficient deputy appointed for that purpose, at such time and place as shall be appointed for receiving such votes as hereinafter provided; and all votes so tendered shall be received and recorded by such high constable or constables or other principal peace officer or his or their sufficient deputy to whom the same shall be tendered, in manner hereinafter provided, and shall be as good and valid for the candidate or person for whom the same shall be tendered, to all intents and purposes, as if such votes had been tendered and received at the principal place of holding the election for such county: Provided nevertheless, that nothing herein contained shall be construed to prevent any person whomsoever, having a right to vote at such election, from voting at the principal place of holding such election, if he shall think proper so to do, in preference to voting at such place as shall be appointed for that purpose within such hundred half hundred rape lathe wapentake ward or other division as aforesaid.

Sheriff to issue precept to high constable to take votes tendered within their respective hundreds.

And be it further enacted, That when the sheriff of any county in England or Wales shall receive any precept requiring such sheriff to proceed to the election of a knight or knights of the shire to serve in parliament for such county, such sheriff shall within two days next following the receipt of such precept give notice in writing of such precept to the high constable or high constables or other principal peace-officer or officers for each and every hundred half hundred rape lathe wapentake ward or other division within such county, and shall require such high constable or constables or other principal peace-officer to attend on the day next after the first day of election appointed for such county by nine o'clock in the morning at some convenient place within the hundred half hundred rape lathe wapentake ward or other division for which he or they shall be high constable or constables or other peace officer, to be named by such sheriff in such notice, there to receive by himself or themselves or his or their sufficient deputy the vote or votes of any person or persons, having right to vote at such election, who shall be desirous of tendering and entitled to tender his or their vote or votes to be there received for such election, and the high constable and constables or other principal peace officer of each and every such hundred half hundred lathe wapentake ward or other division, shall, in pursuance of such notice, giving good and sufficient notice throughout the hundred of the time and place appointed, to be given forthwith on the receipt of such requisition, attend at the time and place respectively appointed in and by such notices, and shall then and there by himself or themselves, or his or their sufficient deputy whom he or they is and are hereby empowered to appoint, open a poll for such hundred half hundred rape lathe wapentake ward or other division for the reception of all such votes to be tendered as aforesaid, which said poll shall be kept open for the space of hours at the least from the hour of nine o'clock in the morning for five days then next following, exclusive of the first day of such poll, provided the poll at the principal place of election for such county shall be so long kept open, and no longer; and if such poll at the principal place of election for such county shall be closed, or if all the persons entitled to vote at such election in respect of any property within any such hundred half hundred rape lathe wapentake ward or other division, or so many as shall desire so to do, shall have been polled before the end of such five days, then the poll so to be taken before such high constables or other principal peace officers respectively or their respective deputies shall be closed as soon as the person taking any such poll shall receive sufficient notice or information of the closing of such principal poll, or that all such persons so entitled and desirous to vote as aforesaid have been polled; and such high constables or other peace officers respectively or their respective deputies taking any such poll as aforesaid shall on the daily close of such poll and immediately after the close thereof transmit the amount of the numbers of votes tendered and received by such persons respectively in the course of each day's poll for each and every candidate at such election, and at the final close of such poll shall transmit the original poll so taken for such hundred half hundred rape lathe wapen-

take ward or other division, with the account of the numbers thereof, to the sheriff of the county wherein such hundred half hundred rape lathe wapentake ward or other division shall be situate, by some messenger or messengers specially appointed by such high constables or other principal peace officers respectively for such purpose, who shall with all possible expedition convey the same; and if any person or persons shall molest obstruct or assault such messenger or messengers in the due execution of his or their duty in the conveyance of such hundred half hundred rape lathe wapentake ward or other division poll or the account thereof as aforesaid, such person or persons being lawfully convicted thereof shall be liable to be imprisoned for any time not less than months, as the court before whom such person or persons shall be convicted shall think proper; and every sheriff on receipt of the account and amount of any such hundred half hundred rape lathe wapentake ward or other division poll shall accordingly add such numbers as shall have voted at such hundred half hundred rape lathe wapentake ward or other division poll for any candidate or candidates at such election to the numbers appearing on the principal poll taken at the place of such election for such candidate or candidates respectively.

High constables to take the same oaths and have the same power as returning officers, except as to disputed votes.

And be it further enacted, That every high constable or constables or other peace officer or their deputy before whom any such last mentioned poll as aforesaid shall be taken, shall have and shall be bound by all the same powers and authorities in taking such poll as shall by law appertain to, and shall take and have power to administer the same oaths as by law are and shall be directed to be taken and administered, on such election, by the sheriff of the county wherein such hundred half hundred rape lathe wapentake ward or other division shall be situate; save and except that if any dispute shall arise as to the validity of any vote tendered to any such high constable or constables, or other principal peace officer or their deputy, objected to by any candidate or candidates at any such election, or by his or their agent or agents, or by any two or more persons having right to vote at such election, on any reasonable ground stated by the person or persons so objecting, such high constable or constables or other principal peace officer or his or their deputy shall not receive or record such vote, but the question of the admissibility of such vote shall be referred to the sheriff of such county, to whom the same may be again tendered at the principal place of holding such election, who shall decide all disputes relating to votes tendered at such election, and if on investigating any such disputes such sheriff shall be of opinion that any such votes so objected to ought to be received, then such sheriff shall give a written authority to the proper poll clerk for receiving such vote, or shall personally direct such proper poll clerk to receive the same, upon which no farther objection shall be made to such vote, but the same shall be immediately received.

For remunerating high-constables, deputies, and messengers.

And be it further enacted, That for the remuneration of any high constable or other peace officer or any deputy of such high-constable or other peace officer taking such last-mentioned poll in any county, and of any messenger or messengers to be appointed by any such high-constable or other peace officer to convey such poll and accounts, there shall be paid by the sheriff of such county to every such high-constable or other peace officer or his deputy taking such poll the sum of one guinea for each and every day such poll shall be kept open, together with the reasonable expense, if any, attendant upon giving notice of such poll and procuring a fit and proper place to take such poll in, and to the messenger or messengers such sum or sums of money as shall appear to such sheriff a reasonable and fair remuneration to such messenger or messengers for their trouble and the expenses attending the conveyance of such poll and accounts; which several sums of money shall be paid by such sheriff, and reimbursed to him in manner hereinafter provided.

How expenses to be defrayed.

And be it further enacted, That all the expenses of any election for a knight or knights of the shire to serve in parliament for any county in England and Wales, as well the reasonable and necessary expenses incurred in providing or erecting booths and polling places as well in the several hundreds half hundreds rapes lathes wapentakes wards and other divisions as in the principal place of holding such election, and of procuring and paying poll clerks and other persons employed therein, as any other expenses thereof authorized by this act and necessarily attendant on such election, shall be borne and paid out of the county rate of the county for which such election shall be held, and shall be paid by the clerk of the peace or treasurer of such county to the sheriff of such county, on demand thereof, out of the county rate of such county; and in default of payment thereof one month after such demand, such sheriff may recover the amount thereof by action of debt or assumpsit in any of his majesty's courts at Westminster, to be brought against the clerk of the peace or treasurer of such county, in which it shall be lawful for such sheriff to lay the venue either in the same or some neighbouring county, and in case such sheriff shall recover the full amount demanded of such clerk of the peace or treasurer, then such sheriff shall also recover and be paid double costs of suit.

And whereas in and by an act of parlia-

1 Geo. 1. chap. 38. repealed; and parliaments to be triennial.

ment made in the first year of the reign of his late majesty king George the First, intituled, "An act for enlarging the time of continuance of parliaments appointed by an act made in the sixth year of the reign of king William and queen Mary, intituled, 'An act for the frequent meeting and calling of parliaments,'" it was enacted, that the then present parliament, and all parliaments that should at any time thereafter be called assembled or held, should and might respectively have continued for seven years and no longer, to be accounted as therein mentioned: And whereas the frequent meetings and callings of fresh parliaments tend to the promotion of the independence of parliament and the happy union and good agreement of the king and people; and it is therefore expedient that the time of continuance of parliaments should be shortened: Be it therefore enacted, by the king's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in parliament assembled, that the said act, intituled, "An act for enlarging the time of continuance of parliaments appointed by an act made in the sixth year of the reign of king William and queen Mary, intituled, 'An act for the frequent meetings and callings of parliaments,'" shall be and the same is hereby wholly repealed and declared to be null and void to all intents and purposes whatsoever as if the said act had never been had or made, and that from henceforth and from and after the dissolution or expiration of this present parliament, no parliament whatsoever that shall at any time hereafter be called assembled or held, shall have any continuance longer than for three years only at the furthest, to be accounted from the day on which by the writs of summons the said parliament shall be appointed to meet.

Present parliament to expire on

And be it further enacted, That this present parliament shall cease and determine on the day of which will be in the year of our Lord unless previously dissolved by the king's most excellent majesty.

Oath to be taken by candidate.

And be it further enacted, That before any person can be returned to sit in parliament for any county shire or district within England or Wales, he shall take and subscribe the oath following, and which he shall repeat and again subscribe at the table of the House of Commons before he is admitted to take his seat:

"I, *A. B.* do swear (*or* affirm) that I "have not, directly or indirectly, given "or offered, or promised to give procure "or allow, and will not give or offer or "promise to give procure or allow, by "myself or any other person, and have "not directly or indirectly authorized, "and will not authorize any other person "for me or on my behalf, either directly "or indirectly, to give or offer, or to "promise to give procure or allow any "sum of money place office or employ- "ment gift or reward, or any promise or "security, or the hope or expectation of "any money, office, or employment, or "gift, to any person entitled or claiming "to vote at this election, or to any per- "son for or in trust for him or any of "his family, in order to influence his "vote at this election."

Which oath the proper officer to whom the return of any writ or precept for such election shall belong, or his deputies, are required to administer, under a penalty of five hundred pounds for omitting so to do, such penalty to be recoverable in any of his majesty's courts of record at Westminster by any person having a right to vote for such place; and in case any person taking the said oath shall therein commit perjury and shall thereof be convicted by due course of law, such person shall incur and suffer the pains and penalties which by law are enacted or inflicted in cases of wilful and corrupt perjury.

Persons guilty of bribery, and convicted by two persons, to suffer all the penalties, &c. now inflicted by law.

And be it further enacted, That every person or persons who shall be convicted, by the evidence of two witnesses, of having given or offered or of having promised to give or allow any sum or sums of money office or employment, to any person whomsoever, in order to influence the vote of any elector or his choice of a person to serve as a member in the high court of parliament, shall be held to be guilty of bribery, and be subject to all the pains and penalties enacted or inflicted in cases of bribery, and shall suffer all the pains and penalties disabilities and disqualifications now inflicted and attendant on persons proved to be guilty of bribery at elections of members to serve in parliament.

Ambassadors, &c. to be incompetent to sit in parliament.

And be it further enacted, That no ambassador or other person whomsoever having or accepting any office commission or employment under his majesty, whether civil or military, the duties whereof shall be executed out of the United Kingdom, shall be capable of being elected or of sitting or voting as a member of the House of Commons in any parliament which shall be hereafter summoned and holden; and if any person who shall be elected to serve as a member of the House of Commons in any parliament which shall be hereafter summoned and holden shall during such time as he shall continue a member accept or take any such office commission or employment, his election shall be and is hereby declared to be void, and the seat of such person shall be thereby immediately vacated, and a new writ shall issue for a new election in the room of such person as if such person so accepting was naturally dead.

And be it further enacted, That all statutes now in force touching or concerning the qualification election or return of knights of the shire or of burgesses to serve in the high court of parliament, shall be held to extend and the same are hereby declared to extend to the qualification election and return of knights of the shire and members to be elected and chosen to serve in the said high court of parliament under or by virtue of this act, so far as the provisions of the said statutes shall be applicable to the same, and in so far as they are not varied or altered or repealed by the present act.

Statutes now in force relative to elections, continued.

And be it further enacted, That this act and the provisions thereof shall extend to that part of the United Kingdom called England and Wales, and no further.

SCHEDULE (A.)

A Schedule containing the several Districts throughout England and Wales, to return hereafter one or more Members to serve in the Commons House of Parliament.

County within which the District is situated, and to the Sheriff of which the Writ to issue.	Name of District.	Parishes and Places comprised in such District.	Place of Election.	Number of Members to be returned.

SCHEDULE (B.)

A Schedule containing the Form of Notices to be given of the Time and Place of holding Elections, to be affixed on Churches, &c.

No. 1.—A General Notice of the Time and Place of Election in Districts where no Votes are to be tendered to Overseers.

Election of a Member to serve in Parliament for the District of

NOTICE is hereby given, That an Election of a Member to serve in Parliament for this District, will be held on Monday next, the day of at the *(naming the place of election)* at the hour of Nine o'clock in the Morning. Dated this day of

A. B. Returning Officer.

No. 2.—Form of Notice to be added to the above in Districts where Votes are to be tendered to Overseers of Parishes.

And NOTICE is hereby further given, That any Persons residing within the several Parishes *(or* Hamlets, &c. *naming the parishes, &c. of which any part is more than five miles from the principal place of election)* of who reside more than five miles from the said town of and who may be desirous of polling, without coming to the said town of may tender their votes to the Overseers of their said respective Parishes, Hamlets, &c. at the places hereunder written, and for that purpose appointed respectively, where such Votes will be respectively received. And the Overseers of the said Parishes, Hamlets, &c. are hereby respectively required to meet at such places accordingly, on Tuesday the day of at Nine o'clock in the Morning, to open a Poll to receive any such Votes. Dated this day of

A. B. Returning Officer.

PLACES for tendering Votes in the above Parishes, Hamlets, &c. respectively.

Parish of *A.* - - - - Vestry Room of said Parish,
Hamlet of *B.* - - School House at in said Hamlet,
Hamlet of *C.* - - Hustings to be erected at in said Hamlet

As the Returning Officer shall direct.

[*The following Report was accidentally omitted in the Appendix to the Debates of the last Session.*]

REPORT *from the* SELECT COMMITTEE *of the House of Commons appointed to consider of the means of maintaining and improving the Foreign Trade of the Country.* [18 *July* 1820.]

THE SELECT COMMITTEE appointed to consider of the means of maintaining and improving the Foreign Trade of the Country, and to report their opinion and observations thereupon to the House; and to whom the several Petitions relating to the Commercial Restrictions, and to the Duties on Timber, presented in the present Session, were referred; and who were also empowered to report from time to time to the House;—Have, pursuant to the Order of the House, considered the matters to them referred; and have agreed upon the following Report:—

It has appeared to your Committee, that the means of attaining the object, to which their consideration has been directed by the order of the House, consisted less in affording any additional legislative protection or encouragement to the commerce of the United Kingdom with foreign states, than in relieving it from a variety of restrictions which the policy of a former period imposed upon it; and which, whether expedient or otherwise at the time when they were enacted, having ceased to be necessary for the purposes which originally recommended them, tend to embarrass its operations, and impede its extension and prosperity. Your Committee are satisfied that the skill, enterprize, and capital of British merchants and manufacturers require only an open and equal field for exertion; and that the most valuable boon that can be conferred on them is, as unlimited a freedom from all interference as may be compatible with what is due to private vested interests that have grown up under the existing system, and those more important considerations with which the safety and political power of the country are intimately connected.

Your Committee have therefore thought that they should best consult the intentions of the House, by directing their immediate attention to those regulations which, under the name either of restrictions or protections, operate in controlling the commerce of the kingdom, in order to estimate their nature and effects; and to judge in what degree it may be prudent to retain them, and in what instances (subject to the considerations referred to) their removal or modification may be recommended with safety and advantage.

In contemplating the range of the duty assigned to them, and the variety and importance of the objects of investigation embraced by it, your Committee were of opinion, that the most convenient course they could adopt, would be, to take the subjects up under distinct heads, and report upon them in succession; by which the House might be enabled, not only to form its judgment more easily on each subject, as separately submitted to it, but also more readily to give effect to its judgment, when formed, by such legislative enactments as in the respective cases might seem expedient.

Before, however, your Committee proceed to advert to the points which have been the principal objects of their inquiry, they are anxious to call the observation of the House to the excessive accumulation and complexity of the laws under which the commerce of the country is regulated; with which they were forcibly impressed in the very earliest stage of their proceedings. These laws, passed at different periods, and many of them arising out of temporary circumstances, amount, as stated in a recent compilation of them, to upwards of two thousand; of which no less than eleven hundred were in force in the year 1815, and many additions have been since made. After such a statement, it will not appear extraordinary that it should be matter of complaint to the British merchant, that so far from the course in which he is to guide his transaction being plain and simple; so far from being able to undertake his operations, and to avail himself of favourable openings as they arise, with promptitude and confidence; he is frequently reduced to the necessity of resorting to the services of professional advisers, to ascertain what he may venture to do, and what he must avoid, before he is able to embark in his commercial adventures with the assurance of being secure from the consequences of an infringement of the law. If this be the case (as is stated to your Committee) with the most experienced amongst the merchants, even in England, in how much greater a degree must the same perplexity and apprehension of danger operate in foreign countries and on foreign merchants, whose acquaintance with our Statute-book must be supposed to be comparatively limited, and who are destitute of the professional authorities which the merchant at home may at all times consult for his direction? When it is recollected, besides, that a trivial unintentional deviation from the strict letter of the acts of parliament may expose a ship and cargo to the inconvenience of seizure, which (whether sustained or abandoned) is attended always with delay and expense, and frequently

followed by litigation; it cannot be doubted that such a state of the law must have the most prejudicial influence both upon commercial enterprize in the country, and upon our mercantile relations and intercourse with foreign nations. And perhaps no service more valuable could be rendered to the trade of the empire, nor any measure more effectually contribute to promote the objects contemplated by the House, in the appointment of this committee, than an accurate revision of this vast and confused mass of legislation; and the establishment of some certain, simple, and consistent principles, to which all the regulations of commerce might be referred, and under which the transactions of merchants, engaged in the trade of the United Kingdom, might be conducted with facility, with safety, and with confidence.

The commercial restrictions to which the intercourse of the United Kingdom with foreign states is subjected, may be classed under three heads; first, those intended for the improvement of its navigation, and the support of its naval power; secondly, those which arise out of the necessity of drawing from commerce, in common with other resources, a proportion of the public revenue; and, lastly, those necessary to the protection afforded to various branches of our domestic industry, for the purpose of securing to them the internal supply of the country, and the export to its several colonies.

The head of restrictive protections, to which the attention and inquiry of your committee has been in the first instance directed, is, that which comprehends the acts intended for the support and extension of British shipping.

It would be superfluous to pursue the history of our laws for the promotion of British commerce and navigation, from the earliest period at which the subject appears to have occupied the attention of the legislature. to the reign of Charles the second, when they were brought nearly to that state in which, with some subsequent modifications, they have since continued.

Whatever may have been the principles which dictated, or the political benefits that have accrued to the country from the acts passed in the 12th, 13th, and 14th, of Charles the second, and known by the name of the Navigation law and Statute of Frauds; it can scarcely be denied, that they have a tendency to cramp the operations of commerce, and to impede the growth of that opulence which may arise from foreign trade.

The provisions of these laws apply, first, to the regulation of the trade with Asia, Africa, and America; and the territories of the grand seignior and the duke of Muscovy. —Secondly, to that of the trade with the other states of Europe.

The leading principle in reference to the former, is; that no goods the produce of Asia, Africa, or America, and the territories specified, shall be imported into this kingdom, but directly from the place of their growth, and exclusively in British ships, owned by British subjects, and navigated in a certain proportion by British seamen. To the latter that goods enumerated, coming from different countries of Europe, shall be imported either in ships built in the states of which they are the produce, and owned and navigated by their subjects, or in ships of Great Britain; except from Germany and the Netherlands, which are by name partially excluded. From these last-mentioned countries certain articles are prohibited from being imported into great Britain, in any ship whatever, under the penalty of confiscation of the ship and cargo.

A just respect for the political wisdom from which the enactment of the navigation laws originated, and a sense of the great national advantages derived from them in their effects on the maritime greatness and power of the kingdom, have rendered them objects of attachment and veneration to every British subject. Nor can your Committee suppose that any suggestions they may offer, can lead to a suspicion of their being disposed to recommend an abandonment of the policy from which they emanated; or to advise, in favour of the extension of commerce, a remission of that protecting vigilance under which the shipping and navigation of the kingdom have so eminently grown and flourished. The only question which, on this subject, they have entertained, is, whether the advantages hitherto enjoyed by our shipping, might not be compatible with increased facilities afforded to trade, and its relief from some of the restrictions which the provisions of these laws impose upon it. They are convinced, that every restriction on the freedom of commerce is in itself an evil, to be justified only by some adequate political expediency; and that every facility that can be extended to it, is a benefit to the public interest, as leading, amidst the incalculable changes and accidents occurring in the circumstances of nations, and of society, to the certain consequence of laying open new means of exertion to mercantile ingenuity and enterprize, and disclosing to commerce new sources of eventual advantage, far beyond the power of human foresight distinctly to appreciate.

This being the admitted principle, it must be regarded as subject to all the precaution in its application, which interests embarked under the faith of existing laws, and a due consideration of the difficulties attending an extensive change in a long established, though defective system, ought prudentially to inspire.

The prohibition contained in the act of the 13th and 14th of Charles 2nd, c. 11, in respect to Germany and the Netherlands, was the first direct object of your Committee's examination, with a view of ascertaining whether the distinction, applying to those parts of Europe, might not be safely and usefully

abrogated. The purpose for which it was originally enacted, has long been fulfilled; and from the evidence of the gentlemen examined, touching the different interests which such an alteration might affect, your Committee are of opinion, that certain benefit, without any probable chance of injury, would result from it, both to the commerce and shipping of the United Kingdom. Your committee beg to refer to the examinations of Mr. Frewin, Mr. Buckle, Mr. Lyall, Mr. Bowden, Mr. Hall, Mr. Nichol, &c. on this subject. A doubt appeared to be entertained by the first of these gentlemen, as to a possibility that the alteration in question might be attended with some trifling diminution of the revenue; and by others, that it might produce some prejudice to the British shipping employed in the commerce of the Mediterranean.

With respect to the first point, it is to be observed, that no diminution of revenue could arise, unless from importations taking place in British shipping which had hitherto been made in foreign vessels, and the reduced rate of duty, in consequence to be received: as, however, this contingency involves in it a certain compensation in the increased employment of British shipping, your Committee do not consider it as a material objection to an alteration, in other views appearing to be desirable. In respect to the remaining objection, that it was possible the trade might be conducted through the medium of cheap Greek and Genoese shipping; and the merchandize of the Mediterranean be thus carried to the neighbouring ports of Holland or the Netherlands, for trans-shipment and conveyance to the United Kingdom in British vessels; it is an apprehension in which, for reasons to be stated in a subsequent part of their Report (applicable to these as well as other ships of a cheap description) your Committee cannot participate, or be induced by it to entertain any greater doubt of the commercial safety and convenience, than of the political justice and utility of placing our commercial intercourse with every European state in amity with Great Britain, on a footing of equal facility and freedom.

Having satisfied themselves on the expediency of permitting the importation into the United Kingdom, in British ships, of articles the growth or produce of European states, from any European port, without reference to the place of their growth or production; the next subject which engaged the consideration of your committee, was the extension of the same latitude of importation to articles the produce of Asia, Africa, and America, to which the restrictions of the act of the 12th of Charles the second, have been stated principally to apply.

The evidence adduced before your Committee, on this point, is more at variance than that on the point before adverted to. Although it cannot be denied that every additional degree of freedom is generally beneficial to commerce, and no alarm seemed to be entertained by merchants engaged in general trade who were examined, in respect to the probable effects of such a relaxation of the law on the navigation of Great Britain; yet those whose interests were more exclusively connected with British shipping, expressed considerable alarm lest the proposed alteration should be followed by a change in the existing course of trade, by which their interests might be eventually affected; and represented, that if any benefit accrued to commerce by the increased facility afforded, it might be chiefly to the commerce of foreigners; and that the participation of British shipping in the conveyance of the produce of the distant parts of the world, might be confined to the transport from the ports of the continent to those of the United Kingdom, while the more valuable and extended navigation devolved upon the shipping of foreign states. Your Committee have felt the importance of this representation, and examined it with the attention it appeared to deserve. They are conscious that the commercial results they sanguinely anticipate from the establishment of a system more enlarged and liberal than that under which the British trade has been hitherto conducted (of which this relaxation of the navigation laws forms a part) could not be deemed a satisfactory compensation for any serious hazard to which the interests of our shipping might be exposed: but they have found no reason to believe, that the probable consequence of adopting the measure under consideration would be, to incur the danger described, or, to transfer to foreigners any of the advantages now possessed by British ships.

In proceeding to state the grounds of this impression, your Committee are desirous of recalling to the recollection of the House, that the laws in question have been subjected to alteration at different periods, and their principle relaxed whenever a new state of political circumstances appeared to parliament to afford sufficient reasons for such a change. Under the regulations which the king in council was authorized to make, by the 23rd of Geo. 3, cap. 39, and subsequently by the 49th of Geo. 3, cap. 59, followed recently by the 59th of Geo. 3, cap. 54, the manufactures and produce of the United States of America have been admitted into the United Kingdom, not only in British ships, but in ships of the United States or condemned as prize to them, and owned and navigated by their subjects. By the 51st also of the late king a similar relaxation of the law was made in favour of the produce and manufactures of the territories of the crown of Portugal in America, during the continuance of the treaty concluded with that power in the year 1810: the latter arising out of the changes that had taken place in the political situation of the Brazils; as the former did out of the national character acquired by the United States of America, by their separation from Great Britain.

Both these relaxations may be said to have been a diminution of the protection afforded by the Navigation law to British shipping; but a diminution which political considerations demanded, and which was indispensable to the continuance of our commercial relations with those countries.

The navigation laws have been also relaxed, in regard to the trade between the British colonies and the mother country, as well as in several instances with respect to particular articles of merchandize, which your Committee do not think it necessary here particularly to enumerate.

The principle of restriction laid down in these laws, having been thus relaxed, from considerations of political or commercial expediency, it will be for the wisdom of the House to judge, whether the same considerations may not lead to a further relaxation of it, and authorize the withdrawing of a restriction which, if not essential to the support of our shipping, is maintained not only unprofitably but injuriously to ourselves, as embarrassing the operations of our merchants, and contributing to the jealous and hostile feelings with which the prohibitory character of our commercial system has long been contemplated by foreign nations.

The danger, stated in the evidence to be apprehended, seems chiefly to rest on the cheapness of foreign ships compared with those of the United Kingdom, particularly the ships of the northen states of Europe, where labour, wages, and the materials of building and equipment are at a rate much lower than in Great Britain. If the question was to be determined by the comparative cheapness of the ship alone, this fact would be conclusive: But it appears to your Committee, that other considerations must have their share in deciding the preference likely to be given to the foreign ship, the effects of which, as detailed in the evidence of Mr. Buckle, appears to your Committee sufficient to balance the admitted cheapness of foreign construction and equipment.

The importation of the produce of Asia, Africa, and America, into the United Kingdom, excepting the territories of Portugal and the United States, under the proposed alteration, is still reserved exclusively to British shipping, which infers the necessity of a previous importation into the continent, if it should be brought to Europe by foreign ships. The difference between a direct and circuitous voyage, in the expenses and delays attending the entrance into, and trans-shipment of goods in a foreign port, and a second voyage to be performed in a British ship; the increased time (estimated at one-fifth) required for the performance of a distant voyage in a foreign ship beyond that required in a British one; the difference in point of security, and consequent increased charge of insurance on the cargo, appear to your Committee to attach a disadvantage to the employment of the foreign ship, fully equivalent to the difference of the rate of freight, as stated in favour of the cheaper ships of certain European states: And indeed it is repeatedly admitted, that wherever British ships are to be obtained, to them the preference (except under special circumstances) is universally given.

If in any case the argument, drawn from the comparative cheapness of the ship, could apply, it would be in respect to articles of great bulk in proportion to their intrinsic value, on which the rate of freight operates most heavily; of these articles cotton is one of the most considerable. Cotton, under the existing law, may be imported into the United Kingdom from any place whatever, in a British ship: But it does not appear to your Committee, notwithstanding the constant demand for it in the manufactures of this country, that foreign ships have been employed in a circuitous conveyance of it through the continent; or that any quantity has been imported, otherwise than in British ships, and directly from the place of its growth, except in a single instance, under very peculiar circumstances.

The trade with the United States of America, it is said, is carried on principally in American shipping; but if (as is alleged) the American vessel has no advantage over the British one in point of cheapness, the competition in any other than the American trade cannot fail to be in favour of the British ship coming to the United Kingdom, in which the voyage is performed directly; while, by that in the American ship, the cargo can only reach its destination circuitously, subject to the additional inconvenience, delay, and expense of transshipment in a foreign port.

The danger therefore of a circuitous conveyance being generally substituted for the direct one, or the foreign for British shipping, in the trade with distant parts of the world, does not excite in your Committee any apprehension; and this observation, as well as the grounds on which it rests, in the opinion of your Committee, apply equally to foreign ships of the cheaper description, whether of the countries in the south or north of Europe, the Greeks and Genoese, not less than those of Denmark, Norway and Sweden.

It has been represented to your Committee, that the effect of the suggested alteration might be, partially to reverse the course of the trade as now conducted between India and Europe. A great proportion of this trade is at present confined to British ships. The cargoes consist in an assortment of light and heavy articles, of which the heavy form the largest though least valuable part; the former are chiefly consumed on the Continent, the latter within the United Kingdom. Owing to a market for the lighter and more valuable part of the cargo not being afforded except in Great Britain, the prohibition on the importation of the produce of Asia from any European port, and the necessity of an assortment of

the cargo, such as described, the continental supply of the more bulky articles has been hitherto, in a considerable degree, received through the United Kingdom. These articles which are most affected by the rate of freight, may, it is feared, be conveyed directly to the Continent by means of foreign navigation, if a market were opened to the lighter articles with which the cargo must be completed, by admitting their ulterior importation into this country.

That this may happen occasionally, your Committee think far from improbable; but it is the permanent and habitual course of trade, and not the occasional or accidental deviations from it, that is the object to which the attention of the legislature should be directed. So far from feeling these occasional exceptions to be a matter of jealousy, your Committee are disposed to consider the denial of facilities of this kind to foreigners, as a policy of useless severity, which has already produced effects highly unfavourable to the general commercial interests of the country.

The probability of the circuitous course of trade becoming habitual, must arise from the comparative advantages it promises to those who may engage in it. These must be sufficient to compensate for the inconvenience and additional expense of the circuitous conveyance of the most valuable part of the cargo, and also its liability in the markets of the United Kingdom, to certain competition with a supply brought directly in our own ships: this is a considerable risk. It may be at the same time matter of some doubt, whether the conveyance of the bulky articles to the continent in a foreign ship, would be upon the whole much more economical than in a British one; and if to this, the inevitable risk described, bearing upon the most valuable part of the cargo, is added, there seems little reason to fear that such conveyance would be habitually preferred, even if no peculiar advantages existed in favour of British shipping in carrying on the commercial intercourse with India.

In all the ports of the British possessions in India (which include most of the principal ports of export), it must be remembered that a difference in the duties imposed on the exportation of goods, to the amount of five per cent, exists in favour of the British ship. The ships from the continent are understood to be in general chiefly dependent on their return cargo, to answer the whole charge of freight: whereas a British ship going out loaded with merchandize, is enabled to divide the charge of freight between the outward and homeward voyage; a circumstance which gives an obvious advantage in the expense of homeward freight to a British ship. Nor must we forget that a considerable portion of the funds of the Indian trade are supplied by the remittance of the acquisitions of British subjects, to be realized or expended in their native country; that a great part of the export trade of India is through the East India Company; that the individuals through which the greatest proportion of the remainder is conducted are sprung from the United Kingdom, whose commercial connexions are with British houses and British merchants, and whose feelings and interests are exclusively British. When all these circumstances are considered, without giving to them more weight than is justly due, your Committee cannot find reason for presuming that the great tide of the trade from India will be diverted from its accustomed course; and that, notwithstanding the proposed change in the law, the continent will not continue still to receive the proportion of its supply, hitherto furnished by British trade, through the ports of the united Kingdom. No real danger therefore to British navigation is contemplated by your Committee, as likely to result from the suggestion they are about to offer; nor do they doubt that the preference our shipping possesses will be as extensively and securely, as well as much less invidiously enjoyed; when arising from the advantages that fairly belong to it, than when apparently the effect of legislative protections and prohibitions. When they consider, too, that under the more general freedom it would establish, British merchants in every foreign port might make their purchases, assort their cargoes, and pursue their speculations, without any of the doubts and apprehensions by which they are now checked and embarrassed; and the still greater advantage of the recognition of a principle that would tend so much to introduce clearness and simplicity into the regulations of our commercial system, your Committee feel it their duty to recommend to the consideration of the House, the relaxation of the principle of the acts of the 12th, 13th and 14th of Charles the second, to the extent of admitting the importation into the United Kingdom, of the produce of every part of the world, from every part of the world, without reference to the place of their growth or produce, provided such importation be made in British ships.

Notwithstanding your Committee are able to perceive no serious objection to the adoption of this measure, yet feeling it impossible to calculate with certainty all the bearings and consequences of an alteration so extensive in its operation, they should offer it with more diffidence, if they were not convinced that it is easily susceptible of modification, should circumstances hereafter arise to render such a modification essential to the protection of any of the great objects which every consideration of the national safety and power imposes the duty of inflexibly maintaining. Flowing as this concession will do, from the spontaneous and liberal feelings of the British legislature neither granted as the condition of advantages obtained from other states, nor guarded by any pledge of the public faith; should it be attended with consequences in-

consistent with the regard due to those objects, it may, without affording the slightest ground for reasonable complaint, or the impeachment of our justice or liberality, be subject at any time to such modifications as may be required, or even, if necessary, be absolutely revoked.

The warehousing or bonding system, appeared to your Committee so much connected with the subject of their preceding recommendation, that they have thought it right to include it in this part of their inquiry as well as in their present report.—If, contrary to their expectation, any of the apprehensions created by the proposed relaxation of the navigation laws should be realized, it is in the improvement and perfection of the warehousing system, they confidently anticipate an ample compensation to every interest connected with the shipping of the United Kingdom.

The origin and progress of the warehousing system is detailed at length in the evidence of Mr. Frewin, to which your Committee beg to refer. From that statement it will appear, that the privilege of being warehoused for re-exportation is confined to certain enumerated foreign articles; and that only certain ports of the United Kingdom, and those unequally, are open to receive them.

The distinction made in respect to ports, arises only from the degrees in which they possess the means of affording accommodation and security to the collection of the revenue. Whenever it appears to the lords of the Treasury, that sufficient provision is made for these objects, every port becomes eligible to receive the advantage of having goods warehoused within it. Your Committee do not feel any alteration to be required on this point; as they are not aware that the extension of this privilege to each particular port, and the limitations under which it should be done, can be better regulated than by the discretion of those to whose superintendance and responsibility the collection of the public revenue is intrusted.

To the Treasury also has been delegated the power of making additions to the list of such enumerated articles as may be admitted to warehouse; which they have occasionally exercised. The principle of the law is however restrictive: and, notwithstanding the articles admitted are numerous, has still a very extensive operation.

The result of the evidence received by your Committee on this subject, has been a strong impression of the advantages that would arise from giving the most unlimited extension to the warehousing system. They do not conceive the ports of the United Kingdom can be too widely opened to the importation of every descriprion of foreign merchandize for re-exportation to any part of the world, exclusive of the British colonies; exempt (with few if any exceptions) from all duties in passing through them, as well as relieved from every charge and inconvenience, which the safety of the revenue, justice to individuals, and the interests of commerce itself, do not impose the necessity of continuing. While we preserve to our own manufactures a preference in the home market, and the supply of our colonial possessions, additional facilities will thus be furnished, and all practicable inducements tendered, to foreign as well as British capital, to collect in the depositaries of Great Britain, materials for every variety of traffic with every quarter of the world.

The benefits the nation cannot fail to reap from such a measure, in the improvement of its commerce, and the augmented demand for its manufactures and shipping, are so obvious, that your Committee feel it unnecessary to occupy the attention of the House, by dwelling upon them in any detail. In the examinations to this point, it is readily acknowledged, that great general advantage is likely to arise from the facility which would be afforded to British as well as to foreign merchants, to make the assortment of their cargoes in this country; the effect of which, it is justly presumed, would be, to render the United Kingdom the place in which a great proportion of the commercial adventures of the world would take their origin. And while the assortment of British manufactures with foreign merchandize in the completion of cargoes for the respective adventures, whether on British or foreign account, would largely contribute to the demand for the productions of every branch of our own industry, the conduct of the enterprizes would be in a great measure through British intervention, and become the means of the increased employment of British shipping.

It does not appear to your Committee, that so long as their own markets are preserved to them in the United Kingdom and its colonies, the free importation of articles of foreign manufacture, for re-exportation only, can affect the interests, or ought to excite the jealousy, of our manufacturers. British ingenuity and industry, machinery and capital, may confidently meet competition, wherever the field is impartially open to our manufactures, in common with those of foreign states. Nor does that competition seem to your Committee to become more favourable to the foreigner, in consequence of his goods being permitted to pass through the ports of the United Kingdom; the effect of excluding him from them, would not be to obviate his competition, although it might change the place in which it would occur, and by such a change possibly render it less propitious to the interests of the British manufacturer.

A doubt has been expressed of the expediency of allowing articles actually prohibited from importation to be admitted and warehoused for exportation; and among the manufactures likely to be exposed to risk by

it, that of silk goods has been mentioned to your Committee; but they do not find in the statements made in the evidence, to which they desire to refer, sufficient reasons to induce them to recommend any exception to the general freedom of import and export, in respect to the silk manufactures of foreign states; or that the admission of the prohibited articles for exportation only, will, if properly guarded, be productive of any dangerous consequence.

The policy of remitting the existing duty on the entry and re-export of foreign linens, imposed or the protection of the British and Irish linen trade, has, in reference also to this part of their inquiry, naturally occupied the attention of your Committee; it will be observed, that the testimony of several witnesses examined by your Committee principally applies to this particular question. Your Committee are fully sensible of the importance of every thing that may appear to effect the interests of so important a branch of the industry of both parts of the United Kingdom; and thinking that some further investigation may be desirable (which could not be completed previous to the recess of parliament), before they state to the House any opinion upon the effects of this duty, and the alleged necessity of its continuance; anxious at the same time to avoid the possibility of affording the least ground for alarm or misapprehension in the present state of the manufacture in Ireland, with which more than mere commercial considerations are connected, your Committee beg to reserve this subject for a future stage of their proceedings, when they hope to be able to resume the consideration of it, and submit the result to the judgment of the House.

In the course of the evidence received by your Committee, several matters of importance have been incidentally brought under its observation; the most prominent are, the various charges and inconveniences incident to our present system, which may prove impediments to the success of the proposed general admission of foreign produce and merchandize to warehouse. The object of creating an emporium of trade is naturally cherished by every nation which entertains commercial views; and it will appear from parts of the evidence, that France and Holland are not insensible to it. The ports of these nations are accessible as depôts for foreign merchandize, on much more favourable conditions than those of the United Kingdom. The charges to which foreign merchandize is liable, and the facilities attending the deposit of it under the regulations in the ports of each country respectively, will be found detailed in the examination of Mr. Hall; from whose statement it will appear how great the advantages are of importation, for the purposes of deposit and re exportation, in the ports of the continent, in comparison with those afforded by ports of the United Kingdom; the effect of which is shown in the evidence of Mr. Thornton, who states, that on account of the duties and charges here exacted, a trade in which he is engaged as well as others, is now prosecuted, through foreign ports, by British subjects, and supported by the employment of British capital.

The investigation of your Committee will be hereafter necessarily applied to the burthens to which foreign merchandize is liable, and the inconveniences which, under the existing practice, attach to it, in its importation into or exportation from the United Kingdom. The port charges, the demands for pilotage, the dues for lights, the claims in consequence of different acts, for the maintenance of particular harbours, the manner in which payments are exacted and enforced;—are all subjects of discontent, and unquestionably may, under certain circumstances, have the effect of deterring foreign trade from our coasts, and be highly injurious to the character and commercial interests of the country. The advantage of removing any obstacles arising from these causes, if found to exist, is manifest; and the mode of effecting that object will constitute a fit subject for the future consideration of the Committee. In reference to the part of this question, however, which is connected with the regulation of the Customs, your Committee have the satisfaction of stating, that a commission has been instituted under the order of the Treasury, which has pursued its inquiries to a considerable extent, and suggested several important improvements. In consequence of which, some well-founded grounds of complaint to the merchant in respect to the delivery and re-weighing of goods, and charges for waste, from natural causes, &c. have been already removed in the port of London; and it is hoped it may be found consistent with the secure collection of the revenue, that similar relief should be extended to the out Ports of the Kingdom.

It has been suggested to your Committee, that an alteration in the law, favourable to the British ship-builder and ship-owners, might be usefully introduced. A British ship becoming the property of a foreigner, under the present provisions of the law, forfeits the British character it possesses, without becoming capable of acquiring in respect to the trade with this country, that of a ship of the foreign state to which it is sold. This appears to be a restriction on the sale and building of ships in the United Kingdom, wholly unsupported by any object of public utility: and your Committee are aware of no reason to prevent their recommending to the adoption of the House the suggestion received by them, that British-built ships or ships condemned as prize to Great Britain, should, if deprived of their British character and registry, by sale to a foreigner, be permitted to acquire the character of ships of any country, of the subjects of which, they may afterwards become the property: But as it appears to your Com-

mittee, that a resumption of the character of a British ship, after having been in the possession of foreigners, and undergone repairs in foreign ports, may open a door to fraud, and be injurious to the British ship-builder; they are of opinion, that the permission above stated should be guarded by a prohibition against a ship once sold to a foreign state, recovering a British registry under any other circumstances but those of capture and regular condemnation as a prize to Great Britain.

Your Committee having stated the course of their proceeding, and the progress they have made in the inquiry committed to them, cannot help expressing their regret, that the latter has not been more extensive: and that the approaching recess precludes them from at present pursuing their investigation into the other important branches of the subject, to which their attention must hereafter be directed. At an early period of the ensuing session of parliament they hope to be able to propose to the House, the measures in their opinion best calculated to carry into execution the recommendation of this report; and to resume and pursue their inquiries into those branches of their investigation which they have now left unexamined, on the same principles which have thus far governed them in the performance of the duty assigned to them. To the judicious and prudent application of these principles, your Committee look (under the pleasure of the House) for the safe removal of all such restrictions on the freedom of our commerce and our intercourse with foreign nations, as the peculiar circumstances of our situation, the protection due to great interests embarked under the public faith, and the compacts into which the country may have entered, either with its own subjects, or with other states, do not render it indispensable to preserve. If in their recommendations any thing should be found more favourable to foreign interests than may seem consistent with the severe principles of our existing commercial system (which may to some be an objection to the suggestions humbly offered in the present report), your Committee beg to observe, that without now questioning the wisdom of a restrictive or protective policy, as necessary to the state of our trade at an earlier period of our history, as applicable to the circumstances of the present day, it appears very doubtful. The time when monopolies could be successfully supported, or would be patiently endured, either in respect to subjects, against subjects, or particular countries against the rest of the world, seems to have passed away. Commerce, to continue undisturbed and secure, must be, as it was intended to be, a source of reciprocal amity between nations, and an interchange of productions, to promote the industry, the wealth, and the happiness of mankind. If it be true, that different degrees of advantage will be reaped from it, according to the natural and political circumstances, the skill and the industry of different countries; it is true also, that whatever be the advantages so acquired, though they may excite emulation and enterprize, can rouse none of those sentiments of animosity, or that spirit of angry retaliation, naturally excited by them, when attributed to prohibitions and restrictions, jealously enacted and severely maintained.

Your Committee are, however, sensible, that at once to abandon the prohibitory system, would be of all things the most visionary and dangerous: it has long subsisted; it is the law not only of this kingdom, but of the rest of the European world; and any sudden departure from it is forbidden by every consideration of prudence, safety, and justice. No such sudden change is in the contemplation of your Committee, nor indeed the adoption of any change, without the utmost circumspection and caution. But they still feel, that a principle of gradual and prospective approximation to a sounder system, as the standard of all future commercial regulations, may be wisely and beneficially recommended, no less with a view to the interests of this country, than to the situation of surrounding nations. Upon them the policy of Great Britain has rarely been without its influence. The principles recognized and acted upon by her, may powerfully operate in aiding the general progress towards the establishment of a liberal and enlightened system of national intercourse throughout the world, as they have too long done in supporting one of a contrary character, by furnishing the example and justification of various measures of commercial exclusion and restriction. To measures of this nature her pre-eminence and prosperity have been unjustly ascribed. It is not to prohibitions and protections we are indebted for our commercial greatness and maritime power;—these, like every public blessing we enjoy, are the effects of the free principles of the happy constitution under which we live, which, by protecting individual liberty, and the security of property, by holding out the most splendid rewards to successful industry and merit, has, in every path of human exertion, excited the efforts, encouraged the genius, and called into action all the powers of an aspiring, enlightened, and enterprizing people.

18 *July* 1820.

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